

Commissioner of Indian Affairs to furnish the Committee copies of the reports of recent investigations made by members of the Board, asserting that he wanted to know the contents of these reports before voting on any of the items in the Bill relating to matters covered by said reports. Furthermore, the members of the Board, through your Secretary, have been earnestly invited to appear before the Senate Committee and give the Committee all possible information.

The Committee will meet during the afternoons of next week and will meet as frequently as possible until the Bill is completed.

Your Secretary is giving practically all of his time to the preparation of data concerning certain items in the Indian Bill referred to in a previous memorandum to you and especially to the item concerning warehouses for the use of the special Legislative Committee appointed by you at the last meeting of the Board.

F. H. Abbott,

FHA/USP.

Secretary.

MEMORANDUM FOR

MEMBERS OF THE BOARD OF INDIAN COMMISSIONERS

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There is inclosed herewith a copy of my brief on Indian Irrigation and Indian Forestry, five-hundred copies of which have been printed for the use of the Senate Committee on Indian Affairs by authority of Chairman Ashurst. I have been invited to attend the meeting of the Senate Committee tomorrow and all other open meetings of the Committee while the Indian Bill is under consideration. I shall, of course, refrain from making any recommendations concerning legislation until specifically authorized to do so by the special legislative committee of the Board. I hope that Commissioners Vaux, Knox and Letcher, the special committee on legislation, will be able to appear in support of the measures recommended by them. \* \* \* \* \*

You will be interested to know that on March 6th, Senator Walsh introduced a bill for the relief of the Fort Peck Indians. The bill is a verbatim copy of the proposed joint resolution prepared by me for the Indians, a copy of which was sent to you on February 28th. Senator Walsh, I understand, will urge immediate action on this bill by the Senate Committee and then try to secure unanimous consent of the Senate for immediate consideration and then upon passage by the Senate will place it in the hands



of one of the Congressmen from Montana who will endeavor to secure similar prompt action in the House of Representatives.

Sincerely,

F H ALBUTT,

Secretary.

201/300.

MEMORANDUM FOR

THE MEMBERS OF THE BOARD OF INDIAN COMMISSIONERS.

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Due to the thoughtfulness and courtesy of Honorable Carl Hayden of Arizona, your secretary has received one of a very limited number of proof copies of the report of the Board of Army Engineers to the Secretary of War, concerning the feasibility of the San Carlos irrigation project. Awaiting the time when printed copies of this report will be available, you will be interested in the following condensed recommendations of the Board:

(a) That the San Carlos irrigation project, as described in this report, be adopted and carried out by the United States, provided it shall appear, either as the result of an adjudication or of competent legal opinion, as Congress may elect, that the legally available water supply is sufficiently close to that assumed in this report to make the cost of the project not more than \$75 per acre.

(b) That suit for an adjudication of water rights along the Gila River be immediately brought in the United States district court (the United States being a party to the suit) and that every other step be taken which will hasten an early adjudication.

(c) That such executive and legal steps be taken as may be necessary to prevent the vesting of any water rights in addition to those, if any, now existing.

(d) That in case the project is not undertaken until after an adjudication, a diversion dam on the reservation (parl. 171) be constructed to improve irrigation conditions on the Pima Reservation.

Upon inquiry to-day at the Indian Bureau, I have learned from Mr. W. M. Reed, Chief Inspector of Irrigation, that he is working diligently to obtain data and evidence necessary to sustain an action on the part of the government in the

## THE MEMBERS OF THE BOARD OF INDIAN COMMISSIONERS.

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recommendations of the Board:

- (a) That the San Carlos irrigation project, as described in this report, be adopted and carried out by the United States, provided it shall appear, either as the result of an adjustment or of competent legal opinion, as Congress may elect, that the legally available water supply is sufficient to meet the needs of the project and that the cost of the project not more than \$75 per acre.
- (b) That suit for an adjustment of water rights along the Gila River be immediately brought in the United States district court (the United States being a party to the suit) and that every other step be taken which will hasten an early adjustment.
- (c) That such executive and legal steps be taken as may be necessary to prevent the vesting of any water rights in addition to those, if any, now existing.
- (d) That in case the project is not undertaken until after an adjustment, a diversion dam on the reservation (Part. 17) be constructed to improve irrigation conditions on the Pima Reservation.

Upon inquiry today at the Indian Bureau, I have learned

from Mr. W. M. Reed, chief inspector of irrigation, that he is

working diligently to obtain data and evidence necessary to

maintain an action on the part of the government in the

adjudication of the entire stream flowage in Arizona in which the Indians are interested. ~~Now~~, <sup>T</sup>he work along this line was begun on Mr. Reed's recommendation under my direction while I was in the Indian Bureau. He informs me that sufficient data will probably not be available for the purposes of the government before next winter sometime. It is evident, therefore, in view of the lowest possible acre-cost <sup>at 75</sup>, even under the most favorable circumstances, that many "ifs" are still in the way in connection with this project. However, it is evident that this report marks a long step ~~forward~~ forward and Mr. Reed is pushing his part of the work with a commendable diligence and intelligence. \* \* \* \* \*

Your secretary, at the request of Senator Myer of the Indian Committee, who examined the irrigation brief presented to the Indian Committee by your direction, has prepared with great care the ~~following~~ <sup>enclosed</sup> proposed amendments to the irrigation items for the Flathead, Fort Peck and Blackfeet Reservations in the pending Indian Bill, which will bring these items in harmony with the general principles recommended in my proposed draft of legislation on irrigation submitted to you with the brief on that subject. \* \* \* \* \*

There is inclosed herewith printed copy of the Indian Bill as it goes to the Senate. Your attention is particularly called to the marked pages, ~~the~~ one which, if adopted, will take

Indian Service physicians out of the classified service, the other the highest office of the Indians of the Five Tribes. It is suggested that any views or recommendations which you were to make on these and other items contained in the Bill be communicated either to Chairman Vaux or your secretary for the consideration of the special legislative committee consisting of Commissioners Vaux, Knox and Ketchum for their immediate consideration.

Sincerely yours,

F E Abbott,  
Secretary.

FHA/CEF



For continuing the construction of irrigation systems to irrigate the allotted lands of the Indians of the Flathead Reservation, in Montana, and the unallotted irrigable lands to be or which have been heretofore disposed of under authority of law, including the necessary surveys, plans and estimates, \$500,000, the cost of said construction, surveys, plans and estimates herein, heretofore or hereafter authorized or expended for said purposes, to be distributed equitably and charged pro rata on an acre basis against the lands benefited by said irrigation project, under rules and regulations to be prescribed by the Secretary of the Interior, the amounts expended for the irrigation of the allotted lands of the Indians to be reimbursable in accordance with the provisions of the Act of April 4, 1910, and, the amounts expended for the irrigation of the unallotted irrigable lands to be or which have been heretofore disposed of under authority of law, to be reimbursable from the proceeds of the sale of water rights disposed of in accordance with the Act of May 27, 1908.

MEMORANDUM  
UPON THE DRAFT OF A PROPOSED INDIAN ACT PREPARED  
FOR THE  
BOARD OF INDIAN COMMISSIONERS.

F. H. ABBOTT, SECRETARY.

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MAIN PROVISIONS OF THE ACT.

1. It condenses in a comparatively brief act, all the general law necessary to a preservation of the property rights of Indians and Indian tribes in the United States and to a proper administration of their affairs.
2. It removes the management of Indian affairs from politics and places it in the hands of a non-partisan Board of six commissioners to be appointed by the President for a term of six years, two to be appointed every two years, the members to exercise supervisory authority, to appoint the chief executive officers of the Indian Bureau, to prescribe regulations for the administration of Indian affairs, to report to Congress, to recommend legislation, but to perform no administrative functions and to serve without pecuniary compensation, occupying a relation to the Indian Service similar to that occupied by boards of trustees toward Universities or the Board of Regents of the Smithsonian Institution to that institution.

3. It provides for a Director of Indian Affairs and a staff of five assistants to be administrative officers of the Indian Department, to be appointed by the Board of Indian Commissioners and to serve indefinitely or at the will of the Board, the Director to receive a salary of not more than \$10,000 and his five assistants not more than \$6000 each.
4. It defines an Indian and provides a uniform plan of enfranchisement for all Indians.
5. It provides a remedy for one of the most pernicious defects in the machinery of the present system under which there is no law for punishing many of the offenses now committed on unallotted Indian Reservations, the unregulated and irresponsible Indian Court being the only judicial tribunal open for the trial and punishment of such offenses; it substitutes for the present lack of law for the punishment of offenses on such reservations, the laws of the state in which such reservations are located and gives to reservation superintendents the judicial powers vested by the laws of such state in justices of the peace for trying such offenses.
6. It provides a system of local self-government for Indian tribes patterned after the Canadian system, and guarantees Indians a voice in the handling of their own property.

7. It provides a definite means for the termination of Indian wardship in the case of competent Indians, the granting of a patent in fee automatically severing the Indian's status as an Indian, and the privilege of commuting by ten years purchase being secured to every Indian entitled to share in perpetual annuities or other benefits.
8. It gives the Board of Indian Commissioners authority to provide definitely for the descent of the personal property on unallotted Indian reservations, leaving it to the discretion of the Board whether the laws of the state for the descent of property or tribal custom shall govern on any given reservation, in any event, the Government, under the proposed act, would be behind the law of descent adopted, whereas, at the present time there is no enforceable law or rule governing descent of personal property on unallotted Indian reservations.
9. In addition to existing law for the enforcement of attendance of Indian children in government schools, it provides for the limited use of Indian money for educational purposes after consulting the Indians, it also omits the present law declaring the policy of the Government not to use Government appropriations for the instruction of children in denominational schools, but on the contrary provides that such children may be placed in private or denominational schools at Government expense upon the request of parents and upon the approval of the Director.

of Indian Affairs.

10. It provides for the individual selection of lands on unallotted Indian Reservations, beneficial use being made<sup>9</sup> conditional to possession, the plan proposed being similar to that on Indian reservations in Canada.

11. It modifies provisions of the present allotment law by limiting allotment to Indians qualified to make beneficial use of the land, and the minor children of such allottees, when said allotments are needed for the proper care of said children, and it provides that Indians incapable of beneficially using allotments may receive an equivalent in money or other property with the consent of the tribal council, it also removes the limit in acreage for an allotment provided by present law, leaving this to the discretion of the Board of <sup>Indian</sup> Commissioners, and to be determined by the conditions of climate and soil, the area of land subject to distribution and the conditions, needs and capacities of the Indians entitled to allotment.

12. It adopts present law for the determining of Indian heirs and the disposition of Indian property by will, but provides a definite procedure within the Indian Department for determining heirs, and provides for appeal from the Director of Indian Affairs to the United States Courts.



13. It leaves to the discretion of the Director of Indian Affairs the making of regulations to govern the sale or leasing of individual Indian lands for farming and grazing purposes and provides for the sale for certain purposes of tribal lands with the consent of the tribe, a thing which can be done at present only by special act of Congress.

14. It contains the following definite provisions for the handling of irrigable, timber and mineral Indian lands and provides for a simple uniform system where under existing law there is lack of uniformity, and much puzzling complexity.

(a) Irrigable lands: Indians are to be consulted before their funds may be used for irrigation projects, irrigation costs are to become a lien against the individual lands benefited, said liens not to be enforceable however, while lands are in Indian ownership, overhead irrigation charges in Indian Bureau are not to be a part of the charge against such land, Indians who fail to make beneficial use of irrigable allotments may be compelled to exchange the same for other land.

(b) Indian Timber Land: Timber on unallotted Indian reservations is to become the property of the tribe, the cost of sale and administration is to be reimbursed from Indian funds but Indians are to be consulted.

(c) Mineral Lands: The minerals on unallotted Indian lands are to become the property of the tribe; allotments of mineral lands hereafter are to be of the surface only, the presence of minerals is to be taken into account in fixing the price of land for sale and the granting of patents in fee.

15. A combination of Canadian law with that of the United States is provided for punishing trespass and for regulating sale or barter on Indian reservations.

16. Specific provision is made for the construction of roads and bridges on Indian reservations and a plan provided for compelling Indian labor on such roads and bridges and the payment for the same from Indian funds.

17. Specific provision is made for the taking of Indian lands for public purposes, including rights of way for railroads, pipe lines etc, this provision is much more simple than that provided by existing law, the provisions of law applicable to condemn private lands in the same localities being made applicable to Indian lands.

18. In the management of Indian moneys, individual, or tribal, the widest discretion is given to the Board of Indian Commissioners and the Director of Indian Affairs and the Director is given authority, not given him by existing law, to stop payment of

moneys to Indians for wife or child desertion or immorality and to furnish aid for sick and disabled Indians and for the prevention of diseases.

19. For the suppression of the liquor traffic there is combined the strong points in the present laws in the United States with the liquor laws of Canada.

#### ARGUMENT

The debatable provisions of the proposed act which are regarded as the most important will be discussed briefly in the following paragraphs:

1. The Board of Indian Commissioners: It will be urged by some that it is not practicable to have a non-salaried Board of Indian Commissioners; that if members are not paid adequate salaries, they will not take time properly to perform the duties assigned to them. The answer to this argument is:

(a) The duties of the Board in the proposed act have been arranged so that the members will have no administrative functions to perform requiring constant attention.

(b) If the members of the Board were given salaries, then by that act, there would be created six tempting "jobs" that would be sought after by several hundred men in the United

States and the Board would thereby become a part of the "apocile system" just as the office of Commissioner of Indian Affairs is now, and the desideratum of a non-partizan Board of Indian Commissioners to control Indian Affairs would be defeated.

(c) By paying members of the Board a reasonable per diem of from \$10 to \$15 in lieu of actual expenses, it would be possible to find six selected men in the United States who would be able to serve from twenty to forty percent of their time without financial sacrifice, by keeping thus in touch with their professional or private business affairs, the members would preserve a better point of view and a better attitude toward Indian Affairs, than is possible for those continually devoting all their time to the subject, and men with qualifications and recognized standing in the community, similar to many of those now constituting the Board of Indian Commissioners, could be induced to serve under this plan, when they could not possibly be induced to serve in salaried positions.

(d) I regard the non-salaried feature of the proposed act for members of the Board of Indian Commissioners its most important feature and one absolutely essential to the raising of the administration of Indian Affairs to the desired level.

3. The feature of the proposed act, second only in importance to the one discussed in the preceding paragraph, is that which provides for local self-government on Indian Reservations. This subject is discussed fully in my report on the Administration of Indian Affairs in Canada. Our neglect, at the present time, of a fixed and regular method of preparing Indians for citizenship, by permitting them to have a voice in the handling of their property and in their local government, is the chief obstacle in the way of the proper advancement of the Indian of the United States toward competency. The Canadian Indian Act is followed closely in dealing with this subject, for the reason that the Canadian Indian Act has worked satisfactorily.

3. The feature next in order of importance in the proposed Act, is that providing adequate punishment for offenses committed on unallotted Indian Reservations. This subject also is fully discussed in my Canadian report. The Federal statutes at present cover comparatively few of the numerous offenses which are committed on unallotted Indian reservations, the state law of course is not applicable, there are no courts on such reservations having jurisdiction, the Indian Court is a weak make-shift for a court of justice, the principal instrument of the reservation superintendent, strong or weak as the superintendent is strong or weak, in its treatment of cases coming before it, representing no many standards of justice and no many kinds of procedure as there are different superintendents.



4. The provisions for the descent of individual property on unallotted reservations, either by state law, or by tribal custom should become a part of the law, it is not necessary to argue the advantages of having individual Indian property descend in accordance with state law, where the Indians have reached a state of development which equips him for it, however, I regard it as absolutely essential that the Board of Indian Commissioners should have the discretion reserved to it to substitute tribal custom for state law, on reservations, for instance, like the Navajo where the Indians get on in the division of their property in accordance with tribal custom more satisfactorily perhaps than they would under state law. Where the tribal custom is followed that custom should have the sanction of the Board of Indian Commissioners in the form of a definite regulation, and should be just as such a part of the law of the reservation, and be enforced with the same strictness that other rules and laws are enforced. One of the gravest administrative offenses of the past, in my judgment, has been our treatment of the Pueblos, whose customs for enforcing <sup>order, and</sup> labor on the streets and ditches have been violated and ignored by our Government, while at the same time we have been unable to supply any definite legal substitute therefor, leaving the Indians practically in a state of anarchy. The

Pueblos, like the Navajo, with respect to many things, can be better governed for some time to come, by their own ancient customs, than by the laws of our white civilization.

5. The provisions for defining Indian citizenship, and for terminating definitely the relation of guardian and ward, in the case of competent Indians, are other provisions which are of utmost importance. One of the greatest weaknesses of our present system is that, while theoretically, we provide for making white men of Indians, we in fact scarcely ever let go of an Indian; we often give him a patent in fee for his land, but if there is tribal property anywhere in which he has an interest, there is often no way under existing law of giving him possession of his share therein, and he continues to be a ward. This class of Indians should cease to be Indians, leaving the Government free to devote its time to those Indians needing its attention.

6. The amendments to the present allotment laws provided for, are also fundamentally important. It cannot be successfully denied that the largest part of the graft and corruptions that have occurred in connection with Indian Affairs in this country can be traced directly, or indirectly, to the policy of our Government in making allotments of lands, sometimes valuable timber and mineral lands to Indians disqualified by age, or by other incapacity from making beneficial use of the same. It is too late to

change this policy entirely, but the modification of it as provided in the proposed act, is feasible.

7. The changes in present policy suggested in connection with Indian schools, by omitting the provision that in the future it shall be the settled policy of the Government not to use appropriations for the instructions of Indians in sectarian schools, but on the other hand, and providing definitely for the use of Government funds for such instructions, I am aware will meet with objection, and it is probable that they will never meet with general favor in Congress.

My reasons for this recommendation are briefly as follows:

(a) The Government acts in loco parentis for Indian children; the moment the Government places itself in the stead of the Indian parent in the matter of education, it assumes the duty of educating Indian children in private or sectarian schools selected by the Indian parent, provided such schools maintain suitable standards of instructions, and charge no greater tuition than the cost of such instruction in Government schools.

(b) In practice this Government already belies its alleged policy of church separation by permitting the free use of Government buildings and by granting occupancy right and fee simple<sup>title</sup>/to thousands of acres

of valuable land to be used by churches for the educational and religious instruction of Indian children; we forbid the use of money, but permit the use of its equivalent in Government property to encourage indirectly the religious instruction of Indian children; and the indirectness of this encouragement together with an avowed policy of church separation results in lack of thoroughness and efficiency <sup>in</sup> the efforts of the churches to give religious instruction to Indian youth in the Indian schools.

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MEMORANDUM

for

MEMBERS OF THE BOARD OF INDIAN COMMISSIONERS.

At the last meeting of the Board at Lake Mohonk I reported the disallowance by the Auditor for the Interior Department of certain items for traveling expense incurred by the Secretary of the Board on the ground that the appropriation for the expenses of the Board of Indian Commissioners was not available to pay said items. Thereafter Commissioner Deekweiler was requested by the Board to ascertain during his visit in Washington whether this action of the Auditor was suggested by officials of the Indian Bureau. Under date of November 20, your secretary received a letter signed by Cato Sells, Commissioner of Indian Affairs, containing the following paragraph, which appears to answer the question assigned to Commissioner Deekweiler:

"The approval of the Chairman of the Board of Indian Commissioners for the travel to New York is required, provided the Commissioners have a legal right to delegate to their Secretary the duty of making investigations. Further, there does not appear to be any authority of law for the Commissioners to delegate to their Secretary the duty of making certain investigations relative to open market purchases, or to proceed to New York for this purpose."

I know no reason in law or ethics why the apparent fancy of the Commissioner of Indian Affairs for exercising his imaginary right and duty to construe the law for the Board of Indian Commissioners respecting its functions or the duties imposed by it on its employees should not be charitably indulged so long as such indulgence does not threaten the efficiency of the Board's work. It must be understood, however, that the authority of the Commissioner of Indian Affairs to examine the Board's expenditures is by sufferance of the Board itself which, legally, is wholly independent of the Indian Bureau (except that the Commissioner himself is required by law to advise with the Board regarding the purchase of supplies) and has full and sole power, independently of the Secretary of the Interior or the executive head of any other executive department of the Government, to construe the law respecting its functions and powers, including the right to establish such agency as it may deem proper for the administrative examination of its accounts. For the Commissioner of Indian Affairs, the agent of the Board for the purpose of examining its accounts, to try to assume the authority and right to pass upon the legality or the administrative propriety of the Board's methods of making investigations or incurring expenditures is absurd and ridiculous. It possibly suggests the advisability of

the Board's selecting a less bumptious agent to examine its accounts. Bearing upon this subject I find an interesting memorandum prepared by Mr. H. C. Phillips, the Board's former Secretary, dated October 14, 1912, from which I quote the following:

"With reference to the general powers of the Board, Mr. Northrop said there had been in the minds of the officers in his department a good deal of doubt whether the board ought to come under the usual regulations, but that apparently no other machinery was provided and that the only way seemed to be to apply the rules until another method should be found."

The Commissioner's opinion in the premises being unauthorized and extra-legal has the effect of a purely personal attempt to influence the decision of the Auditor for the purpose of restricting, hampering and obstructing the proper and legal activities of the Board and its employees. The action of the Commissioner in this case is in line with his letter of March 23, 1914, questioning the legal right of the Board of Indian Commissioners to inquire into the Civil Service status of employees of the Indian Service.

I am preparing data for an appeal from the decision of the Auditor to the Comptroller, which appeal will be ready to present to the Board for consideration at its next regular meeting. It should be added that this adverse action of the Auditor, which apparently is contrary to all precedents in the forty-five years of the Board's existence, has not been permitted to interfere in the slightest degree with authorized field trips or travel of any kind by your secretary, nor will it be permitted so to interfere in the absence of further action by the Board. Its chief significance at this time consists, perhaps, in indicating on the part of the Commissioner of Indian Affairs a continuation of his hostility to the Board and its work.

(Signed) **F. H. Abbott.**

*Secretary Board Indian Commissioners*

MEMORANDUM FOR

THE MEMBERS OF THE BOARD OF INDIAN COMMISSIONERS.

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There is inclosed herewith a draft concerning the Board of Indian Commissioners and its activities. This is prepared at the suggestion of Commissioner Ketchum in response to a number of inquiries which have come to him from a number of Congressmen for information about the Board and its activities. It is desirable, of course, that this statement shall be as strong and condensed as possible. The historical statement contained is taken almost without change from the excellent statement prepared last year by Chairman Vaux for the use of the Senate Committee. Will you be good enough to examine carefully the inclosed draft and immediately send to me any suggestions or changes which you think should be made before the statement is made public \*\*\*\*\* Senator Arthur yesterday was made Chairman of the Senate Committee on Indian Affairs and the first meeting of the Senate Committee will be held next Thursday. The Board is invited to appear before this Committee and present such matters as it cares to, at its convenience.

F H Abbott,  
Secretary.

FHA/CEP.



## THE BOARD OF INDIAN COMMISSIONERS.

### A BRIEF SKETCH OF ITS ACTIVITIES.

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The most effective service performed by the Board of Indian Commissioners, since its organization by authority of Congress in 1869, has been in connection with the formulation of broad policies of legislation and administration, and assisting the various administrations thereby to guard against dangers, error fraud and injustice to which Indian administration is peculiarly exposed; but while this has been the chief function of the Board and the source of its greatest public service, to its numerous field investigations and to the exercise of its definite jurisdiction in connection with the purchase of supplies for the Indian Service can be traced savings to the Treasury of the United States of sums of money which far exceed the total amounts appropriated by Congress to pay the Board's expenses. For example, the report of 1871 states that in one year nearly \$500,000.00 had been saved in the cost of beef alone, the greater portion of which was chiefly due to the competition resulting from the changed methods adopted at the instance of the Board. The pending Indian appropriation bill for the fiscal year 1915 contains evidence of a possible saving to the Government as the result of a specific recommendation made by this Board in connection with the appropriations for the irrigation of Indian lands. The estimated saving to the Government by following the Board's recommendation on this one subject is several hundred thousand dollars a year by making these items re-



imbursable; that this recommendation has already had influence is obvious from a comparison of the printed estimates of the Department for irrigation with the printed Indian Bill- H. R. 13579, 63d Congress, Second Session - introduced in the Senate on Feb. 14, 1913. This is made clear by the printed hearings of the Board of Indian Commissioners before a sub-committee of the House Committee on Indian affairs on January 3, 1914, especially by the statement of Chairman Vaux on page 545 where he says "We are hoping as a result of these investigations to present to you a bill which we believe to be in the line of improved legislative methods and also a move toward further getting the Indian in proper accord with our citizenship which we think will make a saving of approximately \$400,000.00 in this years appropriation bill." The savings further which have resulted to the Government in the purchase of supplies by the prevention of possible graft and corruption in connection with Indian contracts during the more than forty intervening years through the direct supervision of this Board cannot be estimated. A study of the activities of the Board, therefore, purely from the economic side shows that the Board has been a good investment for the Government. The sum of \$800,000.00 saved in beef contracts in 1871 would pay all of the appropriations made for the Board's expenses from that date to the present time and leave a balance of approximately \$200,000.00. The ultimate savings to the Government in irrigation expenses carried in the

pending Indian Bill alone as a result of the Board's recommendations in the present year would likewise reimburse the Government for all appropriations ever made for the Board's expenses.

#### FIELD INVESTIGATION.

In addition to the formulation of general policies and to recommendations made by the Board in connection with legislation and administration which appear in the annual reports of the Board for the last forty years, members of this Board, from the very date of its organization, have made numerous and valuable visits of inspection to all parts of the Indian country. been So inadequate have/the appropriations made for the purpose, that each year from 1901 down to the present time, it has been necessary for members of the Board in the performance of their official duties to draw upon their private funds for travelling and other expenses. During the fiscal years of 1913 and 1914 two investigations in Oklahoma and one on the Menominee Indian Reservation in Wisconsin were made at the cost of several thousand dollars to one member of the Board. Among the members of the Board during the past twelve years who have paid travelling expenses from their own private funds are Commissioners Gates, Walker, Eliot, McCrehead and Ayer and former Commissioners Garrett, Bonaparte, Egan, Gibbons, and the late Commissioner Draper.

Since the year 1899, the following fields investigations have been made by members of this Board: Crow Reservation, the New York Indians, the Indians in schools of the Pacific Coast, including Sherman Institute, Salem School, the Cushman School and also Carlisle and Haskell Schools, the Navaho, Yakima and Pine Ridge Indians. Recent work of importance has included exhaustive investigations at White Earth, in the Five Tribes in Oklahoma, the Fort Sill Apaches and the very recent investigations among the Navaho, Pueblo, Papago, Mescalero Apache and Menominee Indians, all resulting in recommendations of far-reaching benefit to the Indians and of definite value to the Indian Department in formulating constructive measures for the improvement of the conditions of the Indians visited. The most important of these investigations have been made at the request of Presidents and Secretaries of the Interior.

#### A BRIEF HISTORICAL SKETCH.

"The United States Board of Indian Commissioners was organized in pursuance of the Act of April 10, 1869, (R.S. 2039) which provided for the appointment by the President of the United States of a Board to be "composed of not more than ten persons appointed by the President solely from men eminent for intelligence and philanthropy and who shall serve without pecuniary compensation." On June 3, 1869, an executive order

was issued by which the Commission was authorized to make its own organization and employ its own clerical assistance. Directions were given that the Commission should be furnished with full opportunity to inspect the records of the Indian Office and to obtain full information as to the conduct of all parts of the affairs thereof, with full power to inspect in person or by special committee the various Indian superintendencies and agencies in the country, to be present at the purchase of all goods for Indian purposes, advising with the Commissioner of Indian Affairs with respect thereto; and whenever the Board should deem it necessary or advisable they were to recommend any changes or modifications in the instructions to agents and superintendents, in the method of purchasing goods or in the conduct of the affairs of the Indian Bureau generally. They were also to suggest plans for the better dealing with all questions relating to the Indian. All officers of the Government connected with the Indian service were directed to afford to the members of the Board every facility and opportunity to assist them in the performance of their duties.

By Act of July 5, 1870 (R.S.2041), the Board was directed to supervise all expenditures of money appropriated for the benefit of Indians and to inspect all goods purchased for the Indian service.



By the Act of May 29, 1872, (P.S. 2042), any member of the Board was empowered to investigate contracts, expenditures and accounts in connection with the Indian service and to have access to all books and papers relating thereto in any Government office.

To take up for a moment the question of accounting, following the enactment of 1870 the Board audited all accounts in the Indian Bureau, amounting at that early time to the very material sum of several millions of dollars annually. The early reports of the Board contain detailed references to this work and point out the improvement in methods adopted and the large saving in cost, resulting therefrom. For example, the report for 1871 states that in one year nearly \$500,000 had been saved in the cost of beef alone, the greater portion of which was chiefly due to the competition resulting from the changed methods adopted. This work was continued until Congress by Act of May 17, 1882, 22 Stat. 70, removed from the Board the responsibility of accounts, it being then felt that the organization of the Indian Bureau was such that these matters could be as well attended to through the ordinary channels of the Bureau.

Since that time functions of the Board have been confined to the advisory work set forth in the Act of Congress above quoted, and the executive order.

From its organization on May 26th, 1869 until the present



time, the Board has given active attention to its duties, which at some times have been more onerous than at others, owing to conditions than existing. For a number of years in many of the treaty negotiations, the interests of the United States were represented by one or more members of the Board. To even enumerate these and the many visits to the Indian country in connection with the work, would occupy too much space, but references may be made to a few of the more important ones.

In 1869 much of Indian Territory and the Pacific slope were visited including conferences with the Kiowas, Comanches, Apaches and other small bands at Fort Sill. Also by another Committee numerous meetings with the several tribes of Indians in these regions. Also an investigation of conditions on the Pacific Coast, extending as far north as Alaska.

In 1870 a visit was made to Red Cloud and a protracted council held with him and his fellow tribesmen. During this year considerable attention was also paid to the organization of Indian Territory into a territory, with the adoption of a constitution, etc. suited to its requirements.

In 1871 the Sioux were again visited, also the Apaches of Arizona and New Mexico, as well as the Pacific Coast.

In 1872 similar work was done, including attendance at the Ute Conference of that year.

The foregoing will give an idea of the scope of the labors

of the Board as carried on in the first years after its appointment. Now was it any less active in subsequent years. Its work had not been largely confined to report recommendations but has included during all of the many years of its existence, the discussion of problems of all kinds connected with the Indian Bureau, influencing the policy of the Nation in its treatment of these dependent people in many important respects. In its very earliest reports it advocated the breaking up of the reservations and the allotment of land in severalty as soon as the Indians were fit for such treatment, and one of the first, if not the first Severalty Bill to be presented to Congress was drafted by the Board.

The Board has maintained its office in Washington, and has come in contact with Government officers and citizens generally who are interested in Indian problems. It has made many suggestions for the betterment of the service and for legislation calculated to improve the status of the Indian and a large proportion of these now have been adopted. In addition, members of the Board have conferred with the Commissioner of Indian Affairs respecting the purchase of supplies of all kinds including the issuing of bids, the examination of samples and the awarding of contracts.

F.H. Abbott,  
Secretary.

FHA/CEY.

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FHA/CHT.

## MEMORANDUM.

SUGGESTED CHANGES IN THE INDIAN APPROPRIATION BILL, (H.R.12879, 63rd CONGRESS, 2nd SESSION).

### Irrigation:

See lines 24 and 25 and lines 1 to 12, page 4: Note the language in line 1, page 4: "shall be reimbursable where the Indians have adequate funds". This is indefinite and unsatisfactory. Any item providing for reimbursement out of Indian funds should provide for consulting the Indians and should make reimbursement unequivocal. The purpose of the proviso from lines 4 to 12 inclusive, as well as the preceding proviso, is very much better carried out in the language of the proposed legislation which has been submitted with my brief on irrigation, to the Indian Committee.

### Relating to the Civil Service:

On page 5, the proviso in lines 13 to 17 inclusive, permitting the Secretary of the Interior to employ physicians outside the civil service, should be omitted from the Bill. It will be observed that, after constructing the hospitals provided by that item in the Bill, there will remain Two Hundred Thousand Dollars applicable to the employment of physicians outside the civil service, should the Secretary care to use the whole amount for that purpose. I cannot think of any class of employees in the entire Indian service which it is more necessary to keep entirely outside the pale of politics, than those in whose hands are entrusted the life and health of Indians.

Attention is invited to lines 1, 2 and 3, top of page 6. These lines are superfluous.

Especial attention is invited to lines 7 to 14 inclusive, purporting to require a certificate from the Civil Service Commission for employees paid from the appropriation for "Indian School Support". This paragraph is either useless or dangerous. If it is not intended to affect the status of any civil service employee now in the Indian service, then it should be cut out as superfluous. There is still strong reason to cut it out if it can be possibly construed to apply to superintendents in the service who have been promoted to their present positions from subordinate places in the service and who have not passed an examination for superintendent, and so on as applied to all other civil service employees.

On page 31, from lines 6 to 18 inclusive: The offices of the Commissioner of the FIVE CIVILIZED TRIBES and superintendent of Union Agency are taken out of the civil service. Is it not advisable for the Board to make a strong and dignified protest against this provision?



Warehouses:

Lines 12 to 15, page 2, contain a proviso for abolishing the Indian warehouses. Letters asking for information have been written by me to the Indian office and to the superintendents of the Chicago, Omaha and St. Louis warehouses. As soon as this information is obtained, a compilation will be made of the same for your use before the Senate Committee, in attempting to restore the warehouses. An effort will doubtless be made to make the Bill provide for only 2 permanent warehouses. This, in my judgment, is a mistake. The proviso referred to should be omitted entirely, leaving it to the wisdom of the Commissioner of Indian Affairs to eliminate such warehouses as he deems wise and expedient after careful investigation.

Expenses of the Board of Indian Commissioners:

On line 4, Ten Thousand Dollars should be substituted for Four Thousand Dollars, and the provision relating to office rent should be eliminated.

Osage Indians:

On page 11, line 8, referring to the Osage Indians: The question of repealing existing law which has placed the probate of the estates of Osage Indians in the local courts should be very carefully considered by the Board. There have been many abuses reported. To avoid, on the Osage reservation, the same loose and corrupt methods which have characterized probate matters in the FIVE TRIBES, I believe that the Federal Government should resume jurisdiction.

Oil and Gas Inspection:

At the November meeting of the Board, a strong resolution was adopted, recommending to the Secretary, thorough inspection of oil and gas wells in Oklahoma and the submission to the Bureau of Mines, for approval, all regulations governing oil and gas leases. In the FIVE CIVILIZED TRIBES the reduced appropriation for administration in the pending Indian Bill, will not provide for any inspection whatever. Under existing law, oil and gas royalties on Indian leases cannot be used for such purpose. It is very desirable, therefore, in order, by proper inspection, to save Millions of Dollars of loss in gas waste annually to Indians, that a provision similar to the following be incorporated in the next Indian Bill:

That the Secretary of the Interior is hereby authorized to retain such portion of the oil and gas royalties belonging to members of the FIVE CIVILIZED TRIBES in the State of Oklahoma as may be necessary in his judgment, to cover the cost of inspection and other administrative expenses in connection with oil and gas operations on leased lands.

F. H. ABBOTT, Secretary.



(Copy)

WHEREAS, there is frequent inquiry as to the functions, duties and authority of the Board of Indian Commissioners and the laws and executive orders under which it is constituted and acting.

Therefore, be it resolved that the following statement be and is accepted as the Board's interpretation of its powers and duties under existing law.

The Act of May 17, 1882 (22 Stat. 70), the last Act of Congress relating to the duties of the Board of Indian Commissioners provides:

"And hereafter the commission shall only have power to visit and inspect agencies, and other branches of the Indian Service, and to inspect goods purchased for said Service, and the Commissioner of Indian Affairs shall consult with the commission in the purchase of supplies. The Commission shall report their doings to the Secretary of the Interior."

The primary purpose of this Act was doubtless to relieve the Board of the responsibility of supervising "expenditures of money appropriated for the benefit of Indians within the limits of the United States", a duty specifically imposed by the Act of July 15, 1870 (16 Stat. 360) and to reserve in the Board the duties imposed by the Act of April 10, 1869 (Stat., 40). and the Act of May 29, 1872 (17 Stat., 185)

The Act of April 10, 1869 (16 Stat., 40) carried an appropriation of two millions of dollars

"To enable the President to maintain peace among and with the various tribes, bands and parties of Indians and to promote civilization among the said Indians, bring them, where practicable, on reservations, relieve their necessities and encourage their efforts at self-support \* \* \* and for the purpose of enabling the President to execute the powers conferred by this Act, he is hereby authorized, at his discretion, to organize a Board of Indian Commissioners, to consist of not more than ten persons, to be selected by him from men eminent for their intelligence and philanthropy to serve, without pecuniary compensation, who may, under his direction, exercise joint control with the Secretary of the Interior over the disbursement of the appropriations made by this Act or any part thereof that the President may designate."

The Act of May 30, 1872 (17 Stat., 186) provides:

The Board of Indian Commissioners is empowered to investigate all contracts, expenditures and accounts in connection with the Indian Service and shall have access to all books and papers relating thereto in any Government Office."

In retaining in the Board all the authority vested in it by earlier Acts of Congress relating to visitation and inspection of Indian Agencies and other branches of the Indian Service and to the inspection and purchase of goods for said Service the Act of May 17, 1882, above quoted, necessarily left remaining in full force and effect all the provisions of the executive order of June 3, 1869, setting forth the authority and duties of the members of the Board of Indian Commissioners not inconsistent with the provisions of the said Act of May 17, 1882. In other words, all the duties and functions of the Board set forth in the executive order of June 3, 1869, relat-

int. to the visitation and inspection/and other

branches of the Indian Service and the inspection and purchase of goods, are still in full force and effect and will continue to be so until altered or modified by a subsequent executive order.

The paragraphs of the executive order of June 3, 1869, therefore, which are still in full force and effect and binding upon all Departments of the Government, are as follows:

"The following regulations will till further directions, control the action of said Commission and the Bureau of Indian Affairs, in matters coming under their joint supervision.

"First: The Commission will make its own organization and employ its own clerical and assistants.

"Second: The Commission shall be furnished with full opportunity to inspect the records of the Indian Office, and to obtain full information as to the conduct of all parts of the affairs thereof.

"Third: They shall have full power to inspect, in person, or by subcommittee, the various Indian Superintendents and agencies in the Indian country.

"Fourth: They are authorized to be present in person or by subcommittees at purchases of goods for Indian purposes, and inspect said purchases, advising with the Commissioner of Indian Affairs with regard thereto, (And it shall be the duty of the Commissioner of Indian Affairs to consult the Commission in making purchases of such goods." Act of July 15, 1870; Stat., 360)

"Whenever they shall deem it necessary or advisable that instructions of superintendents or agents be changed or modified, they will communicate such advice through the office of the Commissioner of Indian Affairs, to the Secretary of the Interior, and in like manner, their advice as to changes in modes of purchasing goods or conducting the affairs of the Indian Bureau proper. Y Complaints against Superintendents or agents to other officers will, in the same manner, be forwarded to the Indian Bureau or Department of the Interior for action.

"The Commission will, at their Board meetings,

determine upon recommendations to be made as to the plans of civilizing or dealing with the Indians, and submit the same for action in the manner above indicated.

7. "All the officers of the Government connected with the Indian Service are enjoined to afford every facility and opportunity to said commissioners and their subcommittees in the performance of their duties, and to give the most respectful heed to their advice within the limits of such officers' positive instructions from their superiors; to allow such Commissioners full access to their records and accounts and to co-operate with them in the most earnest manner, to the extent of their proper powers, in the general work of civilizing the Indians, protecting them in their legal rights, and stimulating them to become industrious citizens in permanent homes instead of following a roving and savage life.

8. "The Commission will keep such records or minutes of their proceedings as may be necessary to afford evidence of their action, and will provide for the manner in which their communications with and advice to the Government shall be made and authenticated."

Executive Mansion, Washington, D. C. June 3, 1869.  
(Signed) U. S. Grant.

And, to the end that the work of this Board may be carried forward with the fullest understanding and harmony and in the spirit of strict cooperation with the Department of the Interior, the Indian Office and with Congress, be it further resolved that a copy of this resolution be transmitted to the Secretary of the Interior, the Commissioner of Indian Affairs, and to each and every member of the House and Senate Committee on Indian Affairs.







AN ACT RELATING TO INDIAN AFFAIRS

Short Title

1. (a) This Act may be cited as the Indian Act.

All other acts or parts of acts in conflict herewith are hereby repealed.

(b) Nothing herein contained shall be construed to abrogate or alter any treaty with any Indian tribe, or any Act of Congress in pursuance thereof, or any rights of any Indian or Indian tribe secured thereunder.

INTERPRETATION

2. In this act unless the context otherwise requires,

(a) "Director" means Director of Indian Affairs.

(b) "Superintendent" means and includes the Superintendent or other officer having charge of an Indian reservation or school;

(c) "Board" means Board of Indian Commissioners;

who own or are interested in lands owned or held in common under a treaty, Act of Congress, or Executive Order, or who share alike in the distribution of any annuities, interest moneys or other benefits for which the Government of the United States is responsible; and, when action is taken by the tribe as such, means the tribe in council;

(e) "Indian" means

(i) any person of Indian blood belonging to a tribe, or who owns land or other property, or shares in annuities or other benefits which are held in trust or are under the control of the Government of the United States;

(ii) any child of such person:

(f) "Reservation" means any tract or tracts of land set apart by treaty, Act of Congress, or Executive Order, for the use or benefit of any

(g) "Indian Lands" means any lands, the title of which is in an Indian tribe or allottee or held in trust by the Government of the United States for the benefit of any individual Indian;

(h) "Restricted Indian Lands" means Indian lands which cannot be alienated or otherwise disposed of without the consent of the Government of the United States;

(i) "Intoxicants" means and includes all spirits, strong waters, spirituous liquors, wines, or fermented or compounded liquors, or intoxicating drink of any kind whatsoever, and any intoxicating liquor or fluid, and opium, and any preparation thereof, whether liquid or solid, and any other intoxicating drugs or substances, and tobacco or tea mixed or compounded or impregnated with opium or with other intoxica-

the same or any of them are liquid or solid.

DEPARTMENT OF INDIAN AFFAIRS

3. (a) The Board of Indian Commissioners, under the direction of the President, shall have the management of all matters arising out of Indian relations.

(b) The Board of Indian Commissioners shall be composed of six members who shall be appointed by the President, and their tenure of office, except as to the members first appointed, as hereinafter provided, shall be six years.

Their term of office shall begin with the first day of July following the enactment of this law, and two members shall be appointed for the term of two years, two for the term of four years and two for the term of six years, and thereafter two shall be appointed every two years.

(c) The members of the Board shall serve

ARTICLE II. OF THE BOARD

THE BOARD OF INDIAN COMMISSIONERS, 1909

their services shall be allowed traveling expenses and ten dollars per diem in lieu of actual expenses for subsistence and other incidental expenses.

(d) The President shall fill any vacancy occurring in the membership of the Board by the appointment of a member for the unexpired term.

(e) The members of the Board shall be eligible for reappointment.

(f) The Board shall furnish to the Secretary of the Treasury on or before the fifteenth day of October of each year estimates for the Indian services as is required by Section 5 of the Act of March 3, 1901, U.S. Stat., vol. 31, p. 1009.

(g) The Board shall cause to be prepared and delivered to the Public Printer on or before



lar statement of the items paid out of the appropriations made for the Department of Indian Affairs for the fiscal year ending June thirty preceding, each item to be placed under the appropriation from which it was paid, also an itemized statement of the salaries and incidental expenses in the Indian Bureau and at each school and reservation, and the number of Indians at each reservation and school, and, a statement of the estimated value of all property and moneys in the ownership of individual Indians or Indian tribes, the same to be laid before Congress on the first Monday in December of each year, and such statement shall show also (1) the total amount of all moneys, from whatever source derived, standing to the credit of each tribe of Indians, in trust or otherwise, at the close of such fiscal

year; (2) an analysis of such credits, by funds, showing how and when they were created, whether by treaty stipulations, agreements, or otherwise; (3) the total amount of disbursements from public or trust funds made on account of each tribe of Indians for such fiscal year; and (4) an analysis for such disbursements showing the amounts disbursed (a) for per capita payments in moneys to Indians, (b) for salaries or compensation of officers and employees, (c) for compensation of counsel and attorney's fees, and (d) for support and education.

4. (a) There shall be a department of the Civil Service of the United States which shall be called the Department of Indian Affairs.

(b) The Department of Indian Affairs, subject to regulations to be prescribed from time to time by the Board of Indian Commissioners, shall

be under the direction of an officer to be designated the Director of Indian Affairs, and a staff of five subordinate officers.

(c) The Director and the staff officers of the department, provided for in the foregoing paragraph, shall be appointed by the Board of Indian Commissioners, and may be removed for cause to be determined by said Board.

(d) The salary of the Director shall be not in excess of ten thousand dollars per annum; the salaries of the five staff officers of the Director shall be not in excess of six thousand dollars per annum.

(e) All superintendents of Indian schools and reservations, and other employes of the Department of Indian Affairs not hereinbefore mentioned in this paragraph, shall be appointed by the Director of Indian Affairs upon certification of

the Civil Service Commission and their compensation shall be fixed by the Director with the approval and subject to the regulation of the Board of Indian Commissioners.

POWERS OF THE DIRECTOR OF INDIAN

AFFAIRS

5. (a) The Director under the direction of the Board of Indian Commissioners and agreeably to such regulations as the Board may prescribe, shall be the executive head of the Bureau of Indian Affairs and subject to such regulations, shall be vested with the authority and perform the duties heretofore imposed by law and treaties with reference to Indian relations, upon the Secretary of the Interior and the Commissioner of Indian Affairs.

(b) When by law or by treaty, or by any deed, lease, or agreement relating to Indian lands,



any notice is required to be given, or any act to be done by or on behalf of the Government, by the Secretary of the Interior or the Commissioner of Indian Affairs, such notice may be given and act done by or by the authority of the Director.

(c) The Director, or any other person specially authorized by him, shall have power, by subpoena issued by him, to require any person to appear before him, or before such other person so specifically authorized, and to testify or to bring with him any papers or writing relating to any matter affecting Indians, and to examine such person under oath in respect to any such matter.

(d) If any person duly summoned by subpoena as aforesaid neglects or refuses to appear at the time and place specified in the subpoena, or refuses to give evidence or to produce

the papers or writing demanded by him, the Director, or other person as aforesaid may file complaint in the United States Court for the District in which such neglect or refusal occurred, against such person, who shall be dealt with in the manner provided for contempt of any United States Court.

(e) The Director may make such regulations as he may deem necessary for the prevention or mitigation of disease; the frequent and effectual cleansing of streets, yards, and premises; the removal of nuisances and unsanitary conditions; the cleaning, purifying, ventilating and disinfecting of premises by the owners and occupiers or other persons having the care or ordering thereof; the applying of such medical aid, medicine and other articles and accomodation as the Director may deem necessary for prevent-

ing or mitigating an outbreak of any communicable disease; entering and inspecting any premises used for human habitation in any locality in which conditions exist which in the opinion of the Director are unsanitary or such as to render the inhabitants specially liable to disease, and for directing the alteration or destruction of any such building which is, in the opinion of the Director, unfit for human habitation, preventing the overcrowding of premises used for human habitation by limiting the number of dwellers in such premises; preventing and regulating the departure of persons from, and access of persons to, infected localities; preventing persons or conveyances who or which have been exposed to infection for inspection or disinfection until the danger of infection is past; the removal or keeping under surveillance of persons living in infected localities and any other matter

which, in the opinion of the Director the health of the Indians of any locality may require.

(f) In the event of any conflict between any

Director and any rule or regulation made by regulations made by the/any tribe, the regula-

tions made by the Director shall prevail.

#### SCHOOLS

6. (a) The Director, under the direction of the Board, is authorized to make and enforce by proper means such regulations as will secure the attendance of Indian children of suitable age and health at schools established and maintained for their benefit;

(b) Such regulations, in addition to any other provisions deemed expedient, may provide for the arrest and conveyance to school, and detention there, of truant children and of children who are prevented by their parents or guardians from attending, and such regula-



tions may provide for the punishment of parents or guardians, or persons having charge of children, who fail, refuse, or neglect to cause such children to attend school; such regulations shall have the force of law, for the committal by the superintendent of children of Indian blood under the age of sixteen and above the age of eight years to such school, there to be kept, cared for and educated for a period not extending beyond the time at which such children shall reach the age of eighteen years;

(c) All expenditures of money hereafter appropriated for school purposes among Indians shall be under the supervision of the Director of Indian Affairs in conformity with such regulations as may be from time to time prescribed by the Board of Indian Commissioners; and,

(d) No Indian pupil shall be transported to

any Indian schools beyond the limits of the state in which the parent or guardian of such child resides without the consent of such parent or guardian.

(e) No Indian pupil under the age of fourteen years shall be transported at government expense to any Indian school beyond the limits of the state in which the parents of such child reside or of an adjoining state.

(f) Unless the parent of any Indian child of school age makes request to the contrary, such child shall be placed in the school nearest to his, or her, home which may be available; and (b) upon the request of the parents and where the Director believes that the best interests of the child demand, the child may be placed in any public, private, or denominational school, and the tuition paid out of any available

appropriation by the Director, provided such tuition is not in excess of the amount it would cost for the instruction of such child in the nearest government Indian school.

7. (a) The Director may withhold rations, clothing, or other benefits provided by treaty or agreement from Indian parents or guardians who neglect or refuse to send their children to some school a reasonable portion of the year.

(b) Mission schools on Indian reservations may, under regulations prescribed by the Director of Indian Affairs, receive for such Indian children duly enrolled therein, the allowance of food and clothing to which said children would be entitled under treaty stipulations if such children were living with their parents.

8. The Director, with the approval of the Board

may when in his judgment the good of the service will be promoted, suspend or discontinue any government Indian school, or sell any school building or plant and land appurtenant thereto no longer desirable as an Indian school and use the proceeds thereof for Indian education.

9. White children may, under regulations prescribed by the Director, be admitted to Indian schools, provided, that all tuition fees paid for white children so enrolled shall be deposited in the Treasury to the credit of the funds out of which the school is supported.

10. Children of one-fourth Indian blood, or less, whose parents are citizens of the United States and where there are adequate free school facilities, shall not be enrolled in any Indian school, as Indians, or have their tuition paid out of any appropriation made by Congress, without the approval



of the Board of Indian Commissioners, unless such children are entitled under some treaty or agreement to instructions in such schools.

11. Where an Indian tribe has to its credit moneys, the disposition of which has not been provided for by treaty, agreement, or Act of Congress, said funds, in the discretion of the Board of Indian Commissioners, may be used for the establishment, equipment and maintenance of such schools for the benefit of the tribe after full presentation of the matter to the council of said tribe and after giving the latter an opportunity of expressing in writing its views thereon.

12. Employees of Indian schools may be allowed, in addition to annual leave, educational leave not to exceed fifteen days per calendar year for attendance at educational gatherings, conventions, institutions, or training schools, if the interests

of the service require, and under such regulations as the Director of Indian Affairs may prescribe.

13. Any state entitled to indemnity school lands or entitled to select lands for educational purposes under existing law may select such lands within the boundaries of any Indian reservation in such state from the surplus lands thereof, which may have been purchased by the United States after allotments have been made to Indians of such reservation and prior to the opening of such reservation to settlement.

14. The Director may take the lands of an Indian tribe or of an individual Indian, which are held in trust by the Government, for school purposes upon placing to the credit of such tribe or Indian the compensation agreed upon, or in case of disagreement such compensation as may be determined by arbitration in accordance with regulations to

to be prescribed by the Board of Indian Commissioners.

MEMBERSHIP OF TRIBE

15. Any Indian woman who marries any person other than an Indian, shall cease to be an Indian in every respect within the meaning of this Act, except that she shall be entitled to share equally with the members of the tribe to which she formerly belonged in the distribution of their annuities, rents, and other tribal benefits, provided, that such income may be commuted to her at any time at ten years purchase with the consent of the tribe.

16. (a) When by a majority vote of a tribe, or the council of a tribe, an Indian of one tribe is admitted into membership of another tribe and his admission thereunto is assented to by the Director, such Indian shall cease to have any interest in the lands or moneys of the tribe of which he formerly was a

member, and shall be entitled to share in the lands and moneys of the tribe to which he was admitted.

(b) The Director may cause to be deducted from the capital of the tribe of which said Indian was a member, his per capita share of such capital and place the same to the credit of the capital of the tribe into membership of which he has been admitted in the manner aforesaid.

17. The Director may upon the report of an officer, or person specially appointed by him to make an inquiry, determine who is and who is not a member of a tribe entitled to share in the property and annuities of the tribe.

18. (a) No white man not a member of the tribe who may marry an Indian woman, shall by said marriage hereafter acquire any right

to any tribal property, privilege or interest  
whatever to which any member of such tribe  
is entitled.

(b) All children born of a marriage heretofore solemnized between a white man and an Indian woman by blood and not by adoption, where said Indian is at this time, or was at the time of her death, recognized by the tribe, shall have the same rights and privileges with respect to the property of the tribe to which the mother, by virtue of her blood, belonged at the time of her death, as any other member of the tribe, and no prior Act of Congress shall be so construed as to debar such child of such right,

19. All marriages heretofore contracted under the laws or tribal customs of any Indian tribe are hereby declared valid, and issue of such



marriages shall be deemed legitimate and entitled to all inheritances of property or other rights, the same as in case of issue of other forms of lawful marriages.

#### UNALLOTTED INDIAN LANDS

20. The Director may authorize surveys, plans, and reports to be made of any reservation for Indians, showing and distinguishing the improved lands, the forests, mineral lands, agricultural lands and lands fit for settlement, and such other information as is required, and may authorize the whole or any portion of a reservation to be sub-divided into lots.

21. Whenever it becomes necessary to survey any lands on an Indian reservation, the same shall be surveyed under the direction of the General Land Office, as nearly as may be in conformity to the rules and regulations under which public lands

are surveyed.

22. No Indian hereafter shall be deemed to be lawfully in possession of any land in a reservation, unless the selection of the same has been approved by the tribe, or council of the tribe, and the Director of Indian Affairs; but no Indian shall be dispossessed of any land on which he has improvements without receiving compensation for such improvements at a valuation approved by the Director, or an officer authorized by him to approve said valuation, from the Indian who obtains the lands, or from the funds of the tribe, as is determined by the Director.

(b) Such selection may be cancelled at any time by the Director for cause to be by him determined but shall, while it remains in force, entitle the holder thereof, as against all others, to lawful possession of the lands

described therein.

23. (a) When the Director approves any selection as aforesaid, he shall issue in triplicate a certificate granting a selection title to such Indian, one copy of which he shall retain and the other two of which he shall forward to the local superintendent.

(b) The local superintendent shall deliver to the Indian in whose favor it is issued, one of said copies so forwarded and shall cause the other to be copied into a register of the tribe, provided for the purpose, and shall file the same.

24. The conferring of such selection title shall not have the effect of rendering the land covered thereby subject to seizure under legal process, and such title, except as otherwise provided in section twenty-five of this Act, shall be transferable

only to an Indian of the same tribe, and then only with the consent and approval of the council of the tribe and the Director, whose consent and approval shall be given by the issue of a ticket in the manner prescribed in the last preceding paragraph.

25. (a) To any Indian who has received a selection of land under the provisions of section twenty-three of this Act, a patent in fee may, with the approval of the council of the tribe of which said Indian is a member, be granted by the General Land Office for such selection of Indian Affairs whenever said Director upon the approval of the Director/is satisfied that said Indian is qualified by character and by habits of self-support to receive the same.

(b) The wife and children of any Indian who is adjudged fit to receive a patent in fee

under provisions of the last preceding paragraph, may in like manner be granted patents in fee for land held by them under selection tickets, provided, that in the case of minor children the patent in fee shall be issued containing a restriction upon alienation until such minor shall reach the age of twenty-five years.

(c) Before any patent in fee shall be issued under either of the two preceding paragraphs, the applicant therefor shall sign a quit claim or waiver of all further rights or interest in and to the lands of the tribe of which he is a member, the parent signing for his ~~minor~~ children, if he is satisfied that his selection ticket covers his just and equitable share therein; if he is not so satisfied, then he shall have the right to present in writing to



the tribal council his claim for the share in said tribal land and other real property to which he believes he is entitled; this claim, or such part thereof as may be approved by the tribal council and by the Director of Indian Affairs, shall entitle said applicant to a patent in fee for such additional parcel of land as he may in the manner aforesaid be adjudged entitled to, and any parent making application as herein provided, may, in the discretion of the Director of Indian Affairs, also make a similar application for, and on behalf of his minor children.

(d) At the time of the granting of a patent in fee to any Indian under the provisions of the three preceding paragraphs, there may be turned over to said Indian all of his pro rata shares in any tribal fund in which he is entitled

to share, and if he is entitled to permanent benefits, and annuities under any treaty or Act of Congress, then and in such case he shall be granted the right to commute his interest therein subject to the approval of the tribal council and the Director of Indian Affairs upon ten years purchase.

(e) The granting of a patent in fee to an Indian either with or without the final payment of his shares in moneys or benefits mentioned in the last preceding paragraph, shall have the effect of terminating the government's relation of guardian to the grantee, and he shall cease in all respects to be an Indian within the meaning of this Act.

26. Any private land around which an Indian reservation has been extended by Executive Order may be exchanged at the discretion of the Director and at

the expense of the owner thereof and under such regulations as may be prescribed by the Director for vacant, non-mineral, non-timbered, surveyed public lands of equal area and value and situated in the same state.

27. The Director may cause to be classified or reclassified and appraised or reappraised, in such manner as he may deem advisable, the unallotted or otherwise unreserved lands within any Indian reservation opened to settlement and entry but not classified and appraised in the manner provided for in the act or acts opening such reservations to settlement and entry, or where the existing classification or appraisal, in the opinion of the Director, is erroneous.

#### ALLOTTED INDIAN LAND

28. (a) On every Indian reservation where the

allotment of lands/<sup>or</sup> individual Indians has  
been begun under any law, allotment may  
continue under such law in the discretion of  
the Director of Indian Affairs, subject to the  
following provisions which shall apply to each  
and every reservation where allotments hereafter  
shall be made.

(b) Allotments of land and issuance of trust  
patents for the same to adult Indians, male or  
female, shall be made only when the Director  
of Indian Affairs is satisfied that such  
Indians are capable and desirous of making  
beneficial use of the same.

(c) Allotments of land and trust patents for  
the same shall be made to minor Indians only  
when they are children of Indians to whom  
allotments have been made under the provisions  
of the preceding paragraph, and when in addition

the Director is satisfied that such allotments are necessary in addition to the allotments of the parents to enable the latter to properly guard and promote the welfare of such children.

(d) If an Indian entitled by law to an allotment of land on any Indian reservation, is unable because of age or other disability to make beneficial use of the same, such Indian may have deposited to his credit in lieu of said allotment, an equivalent in money or other property belonging to the tribe, with the approval of the tribal council under the direction of the Director of Indian Affairs.

29. Where any tribe has been located upon any reservation created for its use by treaty stipulation, Act of Congress, or Executive Order, and allotment has been begun



on said reservation under any law, The Director of Indian Affairs may, subject to the provisions of section twenty-eight, cause the same or any part thereof to be surveyed or resurveyed whenever in his opinion such reservation or any part thereof may be advantageously utilized for agricultural or grazing purposes by such Indians, and to cause allotment to each Indian located thereon to be made in such areas as in his opinion may be for their best interest. And whenever it shall appear that lands on any Indian reservation subject to allotment by authority of law, have been or may be brought within any irrigation project, he may cause allotments of such irrigable lands to be made to the Indians entitled thereto, in such areas as may be for their best interest, not to exceed, however, forty acres to any one Indian, Provided, That where a treaty or Act of Congress setting apart such reservation provides

for allotments in severalty in certain quantities, the  
Director shall cause allotments on such reservation to  
be made in quantity as specified in such treaty or  
Act if there is sufficient land for such purpose; and  
if not, then the allotments shall be of such size as to  
provide for a pro rata distribution of such land as would  
be allotted if all Indians were to receive allotments,  
allowance to be made for a reasonable anticipated increase  
in the population on said reservation, with the consent  
of the tribe.

30. Where improvements of two or more Indians have  
been made on the same legal subdivision of land, unless  
otherwise agreed, a provisional line may be run dividing  
said lands between them, and the amount to which each is  
entitled shall be equalized in the assignment of the re-  
mainder of land to which they are entitled.

31. The allotments provided for in the foregoing paragraphs shall be certified in duplicate by the person making the allotment, one copy to be retained in the Indian Department and the other to be transmitted to the General Land Office.

32. Where a double allotment of land has heretofore been, or hereafter shall be, wrongfully or erroneously made to any Indian by an assumed name or otherwise, or where a mistake has been made or shall be made in the description of the land inserted in any patent, the Director is hereby authorized and directed, during the time that the United States may hold the title to the land in trust for any such Indian, and for which a conditional patent may have been issued, to rectify and correct such mistake and cancel any patent which may have thus been erroneously and wrongfully issued when-

ever in his opinion the same ought to be cancelled for error in issue thereof, and if possession of the original patent cannot be obtained such cancellation shall be effective if made on the records of the General Land Office, and no proclamation shall be necessary to open to settlement the land described in such erroneous allotment patent after its cancellation if such lands would otherwise be subject to entry: Provided, That such lands shall not be open to settlement for sixty days after such cancellation; and Provided further, That no conditional patent that shall have heretofore or that may hereafter be executed in favor of any Indian allottee, excepting in cases hereinbefore authorized, and excepting in cases where the conditional patent is relinquished by the patentee or his heirs to take another allotment, shall be subject to cancellation without authority of Congress.

33. All allotments set apart under the provisions of this act shall be selected by the Indians, heads of families selecting for their minor children, and the allotting agents shall select for each orphan child, and in such manner as to embrace, if possible, the improvements of the Indians in whose behalf the allotments are made.

34. Where any Indian not residing upon a reservation, or for whose tribe no reservation has been provided by treaty, Act of Congress, or Executive Order, shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land-office, for the district in which the lands are located, to have the same allotted to him or her, and to his or her children, in quantities and manner as provided for white persons under the public



land laws of the United States.

35. Upon the approval of the allotments provided for in this act by the Director of Indian Affairs, the Commissioner of the General Land Office shall cause patents to issue therefor in the name of the allottees, which patents shall be of the legal effect, and declare that the United States does and will hold the land thus allotted for the period of twenty-five years, in trust for the sole use and benefit of the Indian to whom such allotment shall have been made, or in case of decease, of his heirs according to the laws of the State where the land is located, and at the expiration of said period the United States will convey the same by patent to said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever, Provided, That the Board of Indian Commissioners may in any case in its discretion

extend the trust period.

(a) The patents aforesaid shall be recorded in the General Land Office, and afterward delivered free of charge, to the allottee entitled thereto.

36. (a) At the expiration of the trust period and

when the lands have been conveyed to the Indians

by patent in fee, as provided in section forty

of this Act, then each and every allottee shall

have the benefit of and be subject to the laws,

both civil and criminal, of the state in which

they may reside; and whenever he shall be sat-

isfied that any Indian allottee is competent and

capable of managing his or her affairs, the

Director of Indian Affairs may, at any time, cause

to be issued to such allottee a patent in fee

simple, and thereafter all restrictions as to sale,

incumbrance, or taxation of said land shall be removed and said land shall not be liable to the satisfaction of any debt contracted prior to the granting of such patent.

(b) The issuance of patents in fee under the foregoing paragraph shall be governed by the provisions of section twenty-five of this Act.

37. The foregoing provisions of this Act shall not extend to the territory occupied by the Cherokees, Creeks, Choctaws, Chickasaws, Seminoles, and Osage, Miami, and Peorias, and Sacs and Foxes, in Oklahoma, nor to any of the reservations of the Seneca Nation of New York Indians in the State of New York, nor to that strip of territory in the State of Nebraska adjoining the Sioux Nation on the South added by executive order.

38. If any religious society or other organization is now occupying any of the public lands to which this Act is applicable, for religious or educational work among the Indians, the Director of Indian Affairs is hereby authorized to confirm such occupation to such society or organization, in quantity not exceeding one hundred and sixty acres in any one tract, so long as the same shall be so occupied, on such terms as he shall deem just; but nothing herein contained shall limit, change or alter any claim of such society for religious or educational purposes heretofore granted by law.

39. The Director of Indian Affairs may investigate an allotment in the name of any deceased Indian and if it be shown to his satisfaction that the allottee died without heirs he shall report the facts to Congress with a recommendation for the cancellation of the patent issued in the name of such Indian.

40. Any non-competent Indian to whom a patent containing restrictions against alienation has been issued for an allotment of land in severalty, under any law or treaty, or who may have an interest in any allotment by inheritance, may sell or convey all or any part of such allotment or such inherited interest on such terms and conditions and under such rules and regulations as the Board of Indian Commissioners may prescribe, and the proceeds derived therefrom shall be used for the benefit of the allottee or heir so disposing of his land, or interest, under the supervision of the Director of Indian Affairs; and any conveyance made hereunder shall convey full title to the land or interest so sold, the same as if fee-simple patent has been issued to the allottee.

#### DESCENT OF PROPERTY.

41. (a) Descent of property of Indians to whom



allotments of land may be made and patents in fee issued under the terms of the foregoing section shall be in accordance with the laws of descent of the states in which said land is situated.

(b) Descent of property of unallotted Indians within any Indian reservation, may be made in accordance with the laws of descent of the state in which said land is situated, or in accordance with tribal custom in the discretion of the Board of Indian Commissioners and under regulations to be prescribed by said Board.

42. (a) When any Indian to whom an allotment of land has been made or may hereafter be made, dies before the expiration of the trust period and before the issuance of a fee simple patent, without having

made a will disposing of said allotment as herein-  
after provided, the Director of Indian Affairs,  
upon notice and hearing, under such rules as he  
may prescribe, shall ascertain the legal heirs  
of such decedent, if the heir or heirs of such  
decedent are adjudged by the Director to be com-  
petent to manage their own affairs, there may be  
issued to such heir or heirs a patent in fee for  
the allotment of such decedent.

(b) If any one or more of the heirs are adjudged  
to be incompetent, such lands may be sold or ap-  
portioned to the heirs, as the Director of Indian  
Affairs in his discretion may deem to be for their  
best interest and patents in fee may be issued for  
the part or parts of such land as may be partitioned  
to any heir or heirs adjudged to be competent, where

the land of the decedent is sold, as heretofore provided, the proceeds of the sale shall be placed to the credit of such heir or heirs as may be incompetent subject to use and expenditure for their benefit, in the discretion and under the direction of the Director of Indian Affairs.

43. Upon the determination of the heirs of a deceased Indian, as provided in the foregoing paragraph, there shall be paid by such heirs from the estate of such deceased Indian, or deducted from the sale of the land of the deceased allottee, or from trust funds belonging to the estate of the deceased, the sum of fifteen (\$15.00) dollars, to cover the cost of determining the heirs to the estate of the said deceased allottee, which amount shall be accounted for and paid into the Treasury of the United

States and a report made annually to Congress on or before the first Monday in December, of all moneys collected and deposited, as herein directed.

44. Any officer or employe appointed or designated by the Director of Indian Affairs to examine heirship cases, shall have authority to administer oaths in investigations committed to him.

45. For the purpose of determining the descent of land to heirs of any deceased Indian, whenever any male and female Indian shall have cohabited together as husband and wife according to the custom and manner of Indian life the issue of such co-habitation shall be, for the purpose aforesaid, taken and deemed to be legitimate issue of the father of such child.

COMPETENCY CERTIFICATES.

46. The Director may in his discretion issue a certificate of competency to any Indian, or in case of his death, to his heirs to whom a patent in fee containing restrictions on alienation has been or may hereafter be issued, and such certificate shall have the effect of removing the restrictions on alienation contained in such patent.

PROPERTY DISPOSED OF BY WILL

47. Any Indian of the age of twenty-one years having any right, title or interest in any land or other property within a reservation, or in any allotment held under trust or other patent containing restrictions on alienation or individual Indian moneys or other property held in trust by the United States shall have the right prior to the expiration of the



trust or restrictive period, and before the issuance of a fee simple patent or the removal of restrictions, to dispose of such property by will, in accordance with regulations to be prescribed by the Director of Indian Affairs.

48. The Director may approve or disapprove the will either before or after the death of the testator, and where a will has been a fraud and it is subsequently discovered that there has been a fraud in connection with the execution of procurement of the will, the Director may, one year after the death of the testator, cancel the approval of the will, and the property of the testator shall thereupon descend or be distributed in accordance with the laws of the State wherein the property is located. The approval of the will and the death of the testator shall not operate to terminate

the trust or restrictive period but the Director in his discretion may cause the lands to be sold and the money derived therefrom, or so much thereof as may be necessary, to be used for the benefit of the heir or heirs entitled thereto, remove the restrictions, or cause patent in fee to be issued to the devisee or devisees, and pay the moneys to the legatee or legatees, either in whole or in part from time to time as he may deem advisable, or use it for their benefit.

49. To make effective the judicial powers conferred upon the Director of Indian Affairs in the last two preceding sections, a fixed and definite procedure shall be prescribed by the Board of Indian Commissioners which shall include provisions for:

- (a) due and reasonable notice and hearing to all parties in interest;

(b) appeal to the Director from the finding of the local examiner;

(c) appeal from the decisions of the Director of Indian Affairs to the United States courts.

#### EXCHANGE OF ALLOTMENTS

50. Indians may exchange allotments, or parts thereof, with each other, on the approval of the Director of Indian Affairs.

51. In any case where an Indian has an allotment of land, or any right, title, or interest in such allotment, the Director of Indian Affairs, in his discretion, may permit such Indian to surrender such allotment, or any right, title, or interest therein, by such formal relinquishment as may be prescribed by the Director, for the benefit of any of his or her children to whom

no allotment of land shall have been made, and there-  
upon the Director shall cause the estate so relinquish-  
ed to be allotted to such child or children subject  
to all conditions which attached to it before such  
relinquishment.

#### FARMING AND GRAZING INDIAN LANDS

52. The sale and leasing of farming and grazing  
lands allotted to individual Indians, shall be under such  
regulations as the Board of Indian Commissioners may  
prescribe. Upon payment of the purchase price in  
full for Indian land sold, the Commissioner of the  
General Land Office upon a proper certificate from  
the Director of Indian Affairs, shall cause to be  
issued to the purchaser a patent in fee for such  
land.

IRRIGABLE INDIAN LANDS

53. (a) The proportionate cost of all projects, hereafter constructed for the irrigation of Indian lands, shall be apportioned equitably by projects upon the basis of average cost per acre by the Director of Indian Affairs, and the cost thus determined, shall become a charge against the land under said projects from the date of said apportionment of cost by the Director, whether said land is allotted or unallotted and whether held under trust patents in the name of individual allottees under selection tickets, or held in common by the tribe. This charge shall become a first lien on such land, in the case of trust patents already issued, notice of such lien shall be given in such manner as the Director



may from time to time prescribe, and in the case of trust patents, selection tickets or patents in fee hereafter issued for lands benefited by such irrigation projects, the fact of such lien shall be recited on the face of said trust patents selection tickets or patents in fee and the amount of the lien set forth thereon, which said lien, however, shall not be in force so long as the original allottee or holder of a selection ticket, or heirs or other persons of Indian blood deemed by the Director to be equitably entitled, shall possess the land, and the receipt of the Director or of the officer, agent, or employe duly authorized by him for that purpose, for the payment of the amount assessed against any allotment, or

selection as herein provided, shall, when duly  
recorded by the recorder of deeds in the county  
wherein the land is located, operate as a sat-  
isfaction of such lien; in the case of projects  
hereafter constructed in whole or in part from  
tribal funds, the Director is authorized in his  
discretion to reimburse said tribal funds the  
amount of the irrigation costs thus charged  
from the pro rata share in the tribal funds ex-  
pended on such project, when distributed, to which  
the owners of the land benefited are entitled, for  
the payment of such owners' respective portions of  
said costs under such terms, conditions, and regu-  
lations as he may prescribe, and if such pro rata  
shares of the individual allottees are not suf-

efficient to cover their pro rata portions of the  
cost of irrigation assessed against their land then  
the difference between the said irrigation costs  
and their respective pro rata shares in the tribal  
funds shall become a first lien against their land,  
subject to the conditions hereinbefore provided,  
and when said lands shall pass from the ownership  
of said allottees or holders of selection tickets,  
or their heirs or other persons of Indian blood,  
deemed by the Director to be equitably entitled,  
the amount of said lien shall be reimbursed to  
the tribal fund from the proceeds of the sale of  
the land in accordance with regulations to be  
prescribed by the Board of Indian Commissioners,  
or if such tribal funds finally shall have been  
distributed, then the amount of said lien shall

be paid into the Treasury of the United States for distribution to the members of the tribe entitled thereto, under regulations to be prescribed by said Board. In the case of projects constructed in whole or in part from gratuity appropriations made by Congress, the irrigation costs assessed against the land as herein provided shall be reimbursed to the Government when the land passes from Indian ownership, said cost to be and remain a first lien against said land until paid, under such terms, conditions and regulations as may be prescribed by the Board of Indian Commissioners.

(b) The Board of Indian Commissioners on or before July 1, 1917, shall establish a uniform

system of cost-keeping in connection with the maintenance of all projects for the irrigation of Indian lands, and after that date all charges of operation and maintenance shall be apportioned equitably by projects among the lands under the various projects, whether beneficial use of the same is made or not; and shall be paid in accordance with regulations to be prescribed by said Board; unless said charges are paid in accordance with said regulations, they shall become a charge and lien against said lands as hereinbefore provided.

(c) No new irrigation projects to be paid for from Indian funds shall be authorized by Congress unless in accordance with previous law or treaty, until the purpose and scope of said project and



the estimated cost thereof shall have been explained to the Indians whose funds it is proposed to use for such purposes and they shall have been given opportunity to express in writing their views thereon, either through their tribal council or at a general council or meeting to be held in accordance with such regulations as may be prescribed by the Board of Indian Commissioners; and the Director of Indian Affairs shall permit, under regulations to be prescribed by said Board, the individual Indians whose lands are under said projects to express in writing their views with respect to the cost of operation and maintenance of said projects prior to the final determination and assessing of said cost by him against their lands.

(d) No part of the appropriations hereafter made for the pay of salaries and incidental expenses of the chief inspector of irrigation and assistant inspector of irrigation and general superintendents or irrigation in the Indian service or for other engineers or employees engaged in the work of investigation or general supervision in connection with the irrigation of Indian lands shall be included as a part of the cost to be apportioned and assessed as hereinbefore provided against Indian lands under irrigation projects, except where the Director of Indian Affairs may find the services of said employees so localized and so definitely associated for a period of time with any given project that the value of their services in connection therewith is accurately ascertainable, and that such

services are a necessary integral part of the field work thereon, and a reasonable and proper charge in connection with said local field work as distinguished from general office or field supervision.

(e) Where the use of water for irrigation is necessary to render the lands within any Indian reservation available for agricultural purposes, the Board of Indian Commissioners may prescribe such rules and regulations as it may deem necessary to secure a just and equal distribution thereof among the Indians residing upon any such reservation, and no other appropriation or grant of water by any riparian proprietor shall be authorized or permitted to the damage of any other riparian proprietor.

(f) If any Indian has heretofore received, or shall hereafter receive, an allotment or selection of land

under an irrigation project and fails for any reason to make beneficial use of the same, or to pay his proportionate share of the cost of maintaining said irrigation project, or to comply with the regulations for the construction or maintenance of said project, said allotment or selection may be taken from

him after notice and hearing before the Director of Indian Affairs, or an officer appointed by him for that purpose and he may be required to take in exchange therefor an allotment or selection of

another Indian, or to accept another allotment or selection on the same reservation, which may or may not be irrigable, upon the adjudication and

settlement of the difference in value of the two

allotments or selections by said Director.

POWERS AND RESERVOIR SITES.

54.(a) The Board of Indian Commissioners, shall reserve from location entry, sale, allotment, or other appropriation any lands within any Indian reservation valuable for power or reservoir sites, or which may be necessary for use in connection with any irrigation project heretofore or hereafter to be authorized by Congress.

(b) The Director of Indian Affairs, after notice and hearing may cancel trust patents or selection tickets issued to Indians for lands within any power or reservoir sites and for such lands as are located upon or set aside, reserved, or required within any Indian reservation for irrigation purposes under authority of Congress; any allottee or



holder of a selection ticket whose allotment or selection shall be cancelled, shall be reimbursed for all improvements on his cancelled allotment or selection out of any moneys available for the construction of the irrigation project for which the same power or reservoir site may be set aside, and shall be given land of equal value within the area subject to irrigation by any such project.

#### INDIAN TIMBER LANDS

55. (a) All merchantable timber upon unallotted Indian lands or upon lands on which allotments or selections have been made, but for which trust patents have not issued, shall be the property of the tribe to which such land belonged.
- (b) All trust patents, selections and patents in fee hereafter issued to Indians for allotments or

selections of lands containing timber, shall contain a reservation of all merchantable timber to the tribe, together with full rights of ingress and egress for purposes of cutting and removing the same.

(c) The mature living and dead and down timber, the property of any Indian tribe, may be sold under regulations prescribed by the Director of Indian Affairs, after first submitting said regulations to the Council of the tribe owning the same, for an expression in writing of its views thereon under regulations to be prescribed by said Director; and the proceeds of such sale shall be deposited in the Treasury of the United States to the credit of said tribe, to whose members said proceeds may be paid pro rata or expended for their benefit in the discretion of the Director of Indian

Affairs.

(d) The timber on any Indian allotment held under a trust or any other patent or selection ticket containing restrictions on alienation, may be sold by the allottee or holder of a selection ticket with the approval of the Director of Indian Affairs and under regulations prescribed by him, the proceeds to be paid to the owner or disposed of for his benefit in the discretion of said Director.

(e) Any funds hereafter appropriated by Congress for the care, protection, and supervision of the sale of timber on any Indian allotment or Indian reservation, in connection with local field work as distinguished from general office or field supervision, may be reimbursed to the Government from the proceeds of the sale of said timber when

made, or from other Indian funds available for said purposes in accordance with regulations to be prescribed by the Director of Indian Affairs.

(f) Before charging any part of any appropriation against the proceeds of the sale of timber of any Indians or Indian tribe, when made, for the care and protection or for the disposal of said timber, said Indians or Indian tribe shall be given opportunity to express in writing their views thereon, under regulations to be prescribed by the Director of Indian Affairs.

(g) Any person who has acquired the right to cut and remove timber belonging to any Indian tribe, may enter and occupy so much of the surface of said timber lands as may be required for the purposes reasonably incident to the cutting and removal of

the timber therefrom, upon payment of damages resulting from said cutting and removal, to said tribe, or upon the approval by the Director of Indian Affairs, of the proper security for the payment of such damages, the amount of such damages, if not agreed upon by the parties in interest, shall be determined by arbitration, in accordance with regulations to be prescribed by the Board of Indian Commissioners.

#### INDIAN MINERAL LANDS

56. (a) All minerals in unallotted Indian lands or in lands on which allotments or selections have been made but for which trust patents have not issued, shall be the property of the tribe to which such lands belonged.



(b) All allotments or selections of mineral lands hereafter made, shall be of the surface only, and all trust patents and fee patents hereafter issued for such allotments or selections shall contain a reservation of all mineral deposits to the tribe, together with full rights of ingress and egress for purposes of prospecting and development.

(c) All mineral interests or rights vested in the tribe in the preceding paragraphs shall be subject to leasing upon such terms and under such regulations as may be prescribed or approved by the Board of Indian Commissioners, Provided, That before any such regulations are promulgated and any leases made thereunder, the Council of the tribe owning such mineral rights shall be given opportunity to consider and to

express in writing their views thereon.

(d) All mineral lands for which trust patents

have heretofore been issued to Indians may be

leased upon the application of the persons to

whom such trust patents have been issued upon

under  
such terms and such regulations as may be pre-

scribed by the Board of Indian Commissioners.

(e) Any lessee who has acquired the right to

mine and remove the mineral deposits belonging

to the tribe may enter and occupy so much of the

surface of said lands as may be required for all

purposes reasonably incident to the mining and

removal of the minerals therefrom, upon the ap-

proval by the Director of the proper security

for the payment of the damages, resulting from

such entry and occupancy, or upon payment of the

amount of such damages with the approval of the said Director; the amount of such damages, if not agreed upon by the parties in interest, shall be determined by arbitration in accordance with regulations to be prescribed by the Board of Indian Commissioners.

(f) In all sales of Indian lands account shall be taken in fixing the price of all mineral deposits which may be present and where trust patents have already issued to lands in which mineral deposits occur, the presence of such deposits shall be taken into account in determining the length of, or extending the trust period.

#### LANDS FOR RIGHTS OF WAY AND PUBLIC UTILITIES.

57. (a) No portion of any reservation shall be taken for the purpose of any railway, pipe line, telephone,

telegraph, transmission line, road, public work, or work designed for any public utility without the consent of the Director of Indian Affairs, but any company or municipal or local authority having statutory power, either state or national, for taking or using lands or any interest in lands without the consent of the owner, may, with the consent of the Director as aforesaid, and subject to the terms and conditions imposed by such consent, exercise such statutory power with respect to any Indian reservation or portion thereof, or any restricted Indian lands, or any such reservations for an Indian school or agency, or for other purpose in connection with the Indian service, and in such case compensation shall be made therefor to the individual Indian or tribe owning the same, and the exercise of such

power and the taking of the lands or interest therein and the determination and payment of the compensation shall be governed by the requirements applicable to like proceedings by such company, municipal or local authority in case of lands under restricted private ownership.

(b) Before any such railway, pipe line, telephone, telegraph, transmission line, road, public road, or work designed for any public utility, aforesaid, shall be constructed through any land or improvement held by an Indian tribe or an individual Indian, or the government in pursuance of any treaties or laws of the United States, compensation shall be made to such occupants, for all property to be taken or damage done by reason of the construction of such railway, or other public work as aforesaid, and in case of failure to



make amicable settlement with any such occupant, or occupants, such compensation shall be determined by the appraisement of three disinterested referees, and in the case of dissatisfaction on the part of either party, appeal may be made within sixty days to the Board of Indian Commissioners.

(c) The amount awarded in any case shall be deposited

to the credit of the tribe of Indians, or the individual Indian, whose land or improvements have been taken or injured, and paid to said Indian or Indians in the discretion of the Director of Indian Affairs or expended by him for the benefit of said Indians

in like manner as other similar funds, the Board of Indian Commissioners to make regulations for carrying into effect the provisions of this section.

58. Except as provided in the foregoing section no reservation or any portion thereof in the ownership of any tribe,

shall be sold or opened to settlement unless such sale or opening shall be first approved by the majority of the male members of the tribe of the full age of twenty-one years at a council thereof summoned for that purpose and held in the presence of the Director of Indian Affairs or an officer duly authorized by him to attend said council.

#### ROADS AND BRIDGES

59. (a) Indians residing upon any reservation shall be liable if so directed by the Director of Indian Affairs, or any officer or person by him thereunto authorized, to perform labor upon the public road laid out or used in or through, or abutting upon such reservation, which labor shall be performed under the sole control of said Director, or officer or person aforesaid, who may direct when, where and how and in what manner such labor shall be applied,

and to what extent the same shall be imposed upon any Indian who is a resident upon the reservation.

(b) The Director, or person or officer aforesaid, shall have like power to enforce the performance of such labor as may be done by any power or authority under any law in force in the state in which such reservation is situated, for the non-performance of statute labor; but the labor to be so required of any such Indian shall not exceed in amount or extent what may be required of other inhabitants of the same state, county or other local division, under the law requiring and regulating such labor and the performance thereof.

(c) The legal road authorities of any county in any state having jurisdiction over territory embraced within an Indian reservation, may lay out and open public roads

in accordance with the law of said state and any  
public road when so laid out and opened shall be  
deemed a legal road.

(d) If such road directly benefits the lands of  
any Indians not subject to taxation or special assess-  
ment but which would be assessed for such benefits  
under the laws of the state, were they not exempt  
by treaty, executive order, Act of Congress, or other  
law, the road authorities of said county may make  
a schedule of assessments against the lands of the

Indians thus benefited after giving evidence to them  
in the manner provided by law in the case of other  
lands similarly benefited, and file the same with  
the Director, or any officer or person by him there-  
unto authorized.

(e) If the assessments provided for in the foregoing

paragraph are found to be fair and just, the Director shall make an order that the said assessments shall be charged against the Indians benefited; said assessments or charges shall not at any time become a lien on said lands, but the Director is authorized and empowered to pay to the county treasurer of such county said assessments, or parts thereof, as they may become due, out of any funds belonging to the Indians owning the land thus benefited, and under the control of the United States.

60. (a) Every tribe of Indians shall cause the roads, bridges, ditches and fences within its reservation to be put and maintained in proper order in accordance with the instructions received from time to time from the Director of Indian Affairs or the superintendent of the reservation, and in accord-



ance with the requirements of the state law for the maintenance of roads, bridges, ditches, and fences in the same locality.

(b) Whenever in the opinion of the Director

said roads, bridges, ditches and fences are not

so put or maintained in order, he may cause the

work to be performed at the cost of the tribe,

or of the particular Indian in default, as the

case may be, either out of its or his annual

allowance or otherwise.

#### INDIAN FUNDS

61. (a) All sums that are or may be required to be paid, and all moneys that are or may be required to be invested by any treaty or law shall be appropriated in conformity therewith, and shall be drawn from the Treasury as other public moneys

are drawn therefrom under such regulations as may from time to time be prescribed by the Board of Indian Commissioners.

(b) The Director shall cause to be stated annual accounts between the United States and each tribe of Indians arising under appropriations heretofore, or hereafter to be made, which by law are required to be reimbursed, and the Director shall pay out of any fund or funds belonging to such tribe or tribes of Indians applicable thereto and held by the United States in trust or otherwise, all balances of accounts due to the United States, in trust or otherwise, and not already reimbursed to the Treasury, and deposit such sums in the Treasury as miscellaneous receipts, and such ac-

counts shall be received and examined by the proper auditor of the Treasury Department, and the balance arising thereon certified to the Secretary of the Treasury.

(c) Unless otherwise provided in this Act or other law, treaty or agreement, the Director, subject to the approval of the Board of Indian Commissioners, may direct how and in what manner the moneys or property held in trust for or for the benefit of Indians shall be invested or otherwise disposed of from time to time.

(d) No money accruing from any lease or sale of land or lands held in trust by the United States for any Indian shall become liable for the payment of any debts of or claim against such Indian, contracted or arising during such trust period, or

in case of a minor during his minority, except with the approval and consent of the Director of Indian Affairs.

62. (a) The funds of the Indians shall be divided into two classes and designated on the books of the Indian Office as first, capital; and second, income.

(b) Not to exceed twenty- per cent of the funds of any Indian tribe designated as "income", the disposal of which is not otherwise provided for, may be set apart from time to time by the Director of Indian Affairs with the approval of the Board of Indian Commissioners, to cover the cost of the management of reservations, lands, properties and moneys of said tribe.

(c) The Director may authorize and direct the expenditure of moneys mentioned in the foregoing para-

graph for surveys, for compensation to individual Indians for improvements, or any interest they had in lands taken from them for the construction of roads, bridges, ditches, and watercourses on such reservations, or lands for the construction of school buildings and charitable institutions and by way of contributions to schools attended by said Indians, after presenting the subject of said expenditures to the council of the tribe and giving the latter opportunity to express its views thereon in writing.

(d) The Director may, with the consent of the tribe, authorize and direct the expenditure of any capital moneys standing at the credit of such tribe in the purchase of land as ~~an~~ a reservation for the tribe, or as an addition to its reservation, or in the



purchase of cattle or other live stock, or agricultural equipment, or in the construction of permanent improvements upon the reservation of the tribe, or such works thereon, or in connection therewith, as in his opinion will be of permanent value to the tribe or will when completed, properly represent capital.

(e) The proceeds arising from the sale or lease of Indian tribal lands, or from the timber, minerals, or other valuables thereon, or from any other source, shall be paid into the Treasury of the United States to the credit of said tribe, and, unless otherwise provided by law, treaty or agreement, shall draw three per centum interest per annum, which likewise shall be credited to such tribe.

(f) The share of money due minor Indians as their

or tribal Indian lands, whenever such shares have been or shall hereafter be, withheld from their parents, legal guardians, or others, and retained in the United States Treasury by direction of the Secretary of the Interior, shall draw interest at the rate of three per centum per annum, unless otherwise provided for, from the period when such proceeds have been or shall be distributed per capita among the members of the tribe of which such minor is a member; and the Secretary of the Treasury is hereby authorized and directed to allow interest on such unpaid amounts belonging to said minors as shall be certified by the Director of Indian Affairs as entitled to draw interest under this act.

63. The Director of Indian affairs may -

(a) stop the payment of the annuity and interest money of, as well as deprive of any participation in the real property of the tribe, any Indian who is proved to the satisfaction of the Director guilty of deserting his family or of conduct justifying his wife and family in separating from him or who is separated from his family by imprisonment, and apply the same towards the support of the wife or family of such Indian; or,

(b) stop the payment of the annuity and interest money of any Indian parent of an illegitimate child, and apply same to the support of such child; or,

(c) stop the payment of the annuity and interest money of, as well as deprive of any participation in the real property of the tribe any woman who deserts her husband or family and lives immorally with another man, and apply the same to the support of the family so deserted; or,

(d) whenever sick or disabled, or aged or destitute Indians are not provided for by the tribe of which they are members, furnish sufficient aid from the funds of the tribe for the relief of such sick, disabled, aged or destitute Indians; or, when in the judgment of the Director any tribe of Indians, or members thereof, who, are receiving rations and clothing under this act are sufficiently advanced in civilization to purchase such rations and clothing judiciously, he may commute the same and pay the value thereof in money per capita to such tribe or members thereof in accordance with regulations to be prescribed by the Board of Indian Commissioners.

64. (a) Any United States Indian Superintendent, or disbursing agent of the Indian service, shall deposit Indian moneys, individual or tribal, coming into his

hands as custodian, the disposition of which is not otherwise provided for in this Act, in such bank or banks as he may select.

(b) The bank or banks so selected by him shall first execute to the said Superintendent or disbursing agent a bond, with approved surety, in such amount as will properly safeguard the funds to be deposited. Such bonds shall be subject to the approval of the Director of Indian Affairs.

65. (a) Individual Indian moneys are funds, regardless of derivation, belonging to individual Indians, which come into the custody of a disbursing Officer.

(b) Individual Indian moneys may be deposited either to the credit of the individual Indian or to the official credit of the Superintendent of the reservation or schools at which said Indian is enrolled.



(c) The disbursing officer of a reservation is authorized to sign and approve checks against deposits to the credit of the estate of a deceased Indian, or to the credit of the heir or heirs, to said estate, and where the money of an individual Indian is deposited to the official credit of the disbursing officer, the latter may, in his discretion issue checks to pay all or part of said funds to said Indians under regulations to be prescribed by the Board of Indian Commissioners.

(d) Funds belonging to Indian minors who may be in regular attendance in any school, may be turned over to parents or guardians for the benefit of said minors by the disbursing officer of the reservation where said minors are enrolled; or, for medical attendance where the parents or guardians have insufficient funds to provide for the same; or, for live stock or agricultural equip-

ment to be purchased, under the supervision of the

superintendent or disbursing officer for the benefit

of said minors.

(e) The bank or banks in which individual Indian moneys

may be deposited shall make quarterly reports thereof in

triplicate, one to the superintendent or disbursing

officer, and the other to the Director of Indian Af-

fares, and the superintendent or disbursing officer

shall make certified monthly reports of his cash deal-

ings.

(f) The superintendent or disbursing officer, shall

not deliver any checks on his official account, nor

shall he approve checks of Indians drawn against funds

deposited to their individual credit, except in ac-

cordance with regulations prescribed by the Board of

Indian Commissioners upon blanks furnished him for

that purpose by the Director.

66. The pro rata share of any Indian may be withdrawn in whole or in part from the Treasury and paid to, or expended for the benefit of such Indian, under such regulations

and conditions as the Board of Indian Commissioners may

prescribe.

67. Disbursing officers will be responsible under bonds as

required by the Board of Indian Commissioners for the safe

handling of individual Indian moneys deposited in banks to

their official credit, as well as for all government funds

placed to their official credit.

#### APPROPRIATIONS

68. (a) If funds appropriated for the Indian Service in

specific terms for a particular object are not suf-

ficient for the object named, any other appropriation,

general in its terms, which otherwise would be avail-

able, may, in the discretion of the Board of Indian Commissioners be used to accomplish the object for which the specific appropriation was made.

(b) The Director may use any surplus that may remain in any appropriation for the Indian service for the purchase of subsistence for the several Indian tribes to an amount not exceeding \$25,000 in the aggregate, to supply any subsistence deficiency that may occur.

(c) The Director may use any sums appropriated for subsistence and not absolutely necessary for that purpose, for the purchase of live stock, seeds, fruit trees or industrial equipment for the benefit of the tribe for which such appropriation may be made.

(c) All appropriations for the expenses of the Department of Indian Affairs or any branch of the Indian Service or for the benefit of any Indian or Indian tribe shall

be disposed of under regulations prescribed by the

Board of Indian Commissioners unless otherwise provided.

(d) Funds appropriated for the pay of specified employees at any Indian school or agency or other branch of the Indian service may be used for the pay of other employees, when not needed for such specified employees; and employees at one place may be transferred to similar work either in the Washington office or elsewhere in the field when such transfer is in the interest of economy and efficiency, or they may be detailed to other work at the same place.

(e) Appropriations made for specified employees or for specified articles for the benefit of Indian tribes in accordance with treaty or agreement, may be diverted to other uses for the benefit of said tribes with the consent of said tribes and the approval of the Board of Indian Commissioners.



THE PURCHASE OF INDIAN SUPPLIES.

69. (a) The purchase of Indian supplies shall be made in conformity with the requirements of Section 3709 of the Revised Statutes of the United States.

(b) The cost of transportation of Indian supplies may be paid from the fund appropriated or otherwise available for the support of the school, agency or other project for which the supplies to be transported are purchased, where any specific appropriation made for such purpose is insufficient.

(c) There may be maintained such warehouses as the Board of Indian Commissioners may deem necessary for the economical and expeditious handling of Indian supplies.

(d) For the transportation of Indian supplies over land grant railroads, not more than fifty per centum

of the full amount of the service shall be paid to said land grant roads; such compensation shall be computed upon the basis of the tariff or lowest special rates for like transportation performed for the public at large and shall be accepted as in full for all demands for such service; in expending money appropriated for this purpose a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public lands to aid in the construction of its railroads on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other government services, and also subject to such regulations as Congress may impose, restricting the charge of such government transportation, having claims against the United

States for transportation of Indian goods and supplies over such aided railroads, shall be paid out of the moneys appropriated for such purpose only on the basis of such rate for the transportation of such Indian goods and supplies as the Director of Indian Affairs shall deem just and reasonable under the provisions set forth herein, such rate not to exceed fifty per centum of the compensation for such government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service.

#### C L A I M S

70. (a) Jurisdiction is hereby conferred upon the Court of Claims to hear and determine the claims of any Indian

tribe when certified by the Board of Indian Commissioners and attorneys may be employed by Indian tribes before or after said claims are so certified, only under regulations prescribed by said Board.

(b) In any case brought in the Court of Claims under any Act of Congress by which that court is authorized to render judgment or decree against the United States, or against any Indian tribe or any Indians, or against any fund held in trust by the United States for any Indian tribe or for any Indians, the claimant, or the United States, or the tribe of Indians, or other party in interest shall have the same right of appeal as is conferred under sections 242 and 243, of the penal code of the United States, and such right shall be exercised only within time and in the manner therein prescribed.

ENFRANCHISEMENT

71. (a) Every Indian born within the territorial limits of the United States to whom an allotment or selection of lands shall have been made under the provisions of this Act, or any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, is hereby declared to be a citizen of the United States and shall be entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the rights of any such Indian to tribal property.



(b) Every Indian not qualified, as provided in the

foregoing paragraph, is declared to be a citizen of

the United States with all the rights guaranteed

in the foregoing paragraph, when he shall have com-

pleted a course of study in <sup>any</sup> university, college or

school equal to or higher than a grammar school.

#### SALE OR BARTER

73. The Director of Indian Affairs, with the approval of the Board of Indian Commissioners may make regulations for prohibiting or regulating the sale, barter, or exchange or gift by any tribe, or any Indian of any tribe, of any grain or root crops, or other produce or live stock, or the offspring thereof, grown on, or purchased with Indian tribal or trust fund or funds appropriated for such purpose by Congress, for use, on any reservation or restricted Indian land, and may further provide that such sale, barter, ex-

change or gift shall be null and void unless the same are made in accordance with such regulations.

73. The Director of Indian Affairs shall have the sole power and authority to appoint traders to the Indian tribes and to make such rules and regulations as he may deem just and proper, specifying the kind and quantity of goods and prices at which such goods shall be sold to the Indians.

74. If any grain or root crops, or other produce, or live stock, as aforesaid, are unlawfully in the possession of any person on an Indian reservation, or on restricted Indian land, within the intent and meaning of this Act, or, in violation of any regulations made by the Director, any person acting under the authority, either general or special, of the Director may, with such assistance as he thinks necessary, seize and take possession of the same, and he shall deal therewith as the Director, or any officer or person thereunto by him authorized, directs, and the offender shall

in addition be liable to a fine of not exceeding five hundred dollars, or to imprisonment for a term not exceeding three months, or, to both.

75. No official or employee connected with the Department of Indian Affairs, and no missionary in the employ of any religious denomination, or otherwise in mission work among Indians, shall, without the special license in writing of the Director of Indian Affairs trade with any Indian, or sell to him directly or indirectly, any goods or supplies, cattle or other animals.

#### OFFENSES AND PENALTIES.

36. (a) Any person who induces any Indian to execute any contract, deed, mortgage, lease, or other instrument relating to the sale or lease of land held under a trust or other patent containing restrictions on alienation not authorized by law to be made or to procure the execution by any Indian of

any such instrument, or to be a party with any Indian to any such contract, deed, mortgage, lease, or other instrument or to offer any such contract, deed, mortgage, lease, or other instrument as aforesaid for record shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred dollars for the first offense, and if convicted of a second offense may be punished by a fine not exceeding five hundred dollars, or imprisoned not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

(b) Any Indian or his heirs in the possession of any live stock, their increase, or any other personal property issued by the United States or purchased with trust funds and held in trust by the United States, may lawfully sell, transfer, mortgage, or otherwise dispose of such property only with the consent in writing of the United States Indian super-



intendent, or other officer having jurisdiction over such property and not otherwise. Any person who shall induce any Indian to sell, transfer, mortgage, or otherwise dispose of, or shall procure the sale, transfer, mortgage, or other disposal by any Indian, or shall be a party with any Indian to the sale, transfer, mortgage, or other disposal of any instrument evidencing any prohibited or unlawful sale, transfer, mortgage, or any disposal of any such personal property in pursuance to any such prohibited or unlawful sale, transfer, mortgage, or other transaction, shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding five hundred dollars, or imprisoned not exceeding one year, or by both such fine and imprisonment. Any sale, transfer, mortgage or other disposal in violation of this provision of any property so issued and held shall be absolutely void, and title to the property involved in such



void transaction shall revert to the United States, and the property may be taken possession of by the United States Indian agent or superintendent having jurisdiction over the property.

- (c) Any Indian or other person having tribal rights, who shall induce any person to enter into any such contract, deed, mortgage, lease, sale, transfer, or other agreement or transaction prohibited and declared to be unlawful by the above provisions shall be deemed guilty of a misdemeanor, and shall upon conviction be punished by a fine not exceeding five hundred (\$500) dollars, or imprisoned not exceeding one year, or by both such fine and imprisonment.
- (d) The general laws of the United States defining and prescribing punishments for forgery and for depredations upon the mails, shall extend to the Indian country.

77. Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, without authority of law, is liable to a penalty of one thousand dollars.

78. If any Indian is illegally in possession of any tribal lands on a reservation, or if any person, or Indian other than an Indian of the tribe, without a permit from the Director of Indian Affairs, or a person authorized by him to issue permit, which permit shall have been first presented to the tribal council for an expressions of its views;

(a) settles, resides or hunts upon, occupies, uses, or causes or permits any cattle or other animals owned by him, or in his charge, to trespass on any

such land, or;

(b) fishes in any body of water, river, stream, or creek on or running through a reservation ; or,

(c) settles, resides upon, or occupies any road, on such reservation;

said Director or such officer or person as he thereunto deputes and authorizes, shall, on complaint made to him, and on proof of the fact to his satisfaction, remove or cause the removal of said Indian or person.

79. The expenses incurred in any such removal shall be borne, as the case may be by the person removed or caused to cease fishing, or who owns the cattle or other animals removed, or who has them in charge, and may be recovered from him as the costs in any ordinary action or suit, or if the trespasser is an Indian, such expenses may be deducted from his share of the annuity or interest money, if any such are due to him, and when the

Indian committing the trespass is a member of the tribal council, the Board of Indian Commissioners may suspend the trespasser from his office for a period of one year and deprive him of all the benefits and emoluments connected therewith provided said member of the council may be restored to said position upon the approval of the tribal council and said Board.

80. Every person, or Indian other than an Indian of the tribe to which the reservation belongs, who without the license in writing of the Director of Indian Affairs or of some officer or person deputed by him for that purpose, cuts, carries away or removes from any of the lands or roads in a reservation, any of the trees, wood, timber, or hay, or removes any of the stone, soil, minerals, metals, or other valuables from the said lands or roads shall, on conviction thereof incur in each

case the costs of prosecution, and,

(a) for cutting, carrying away or removing any part of a tree, or hay, if under the value of one dollar, a penalty often dollars, and, if over the value of one dollar, a penalty of fifty dollars;

(b) for removing any of the stone, soil, minerals, metals, or other valuables aforesaid, a penalty of three times the value thereof.

(c) All such penalties shall be deposited in the Treasury of the United States and shall be disposed of for the use and benefit of the tribe of Indians for whose benefit the reservation is held in such manner as the Director of Indian Affairs shall direct.

(d) In default of immediate payment of the said penalties and costs to the Superintendent or other



officer in charge of the reservation where the offense may be committed, may be imprisoned for a term not exceeding thirty days, if the penalty does not exceed twenty dollars, or for a term not exceeding three months, if the penalty exceeds twenty dollars.

81. Every person being,

(a) an official or employe connected with the Department of Indian Affairs; or,

(b) a missionary in the employ of any religious denomination, or otherwise employed in mission work among Indians, who, on a reservation without the special license in writing of the Director of Indian Affairs, trades with any Indian or directly or indirectly sells to him any goods or supplies, cattle or other animals, shall be liable to a fine equal in amount to double the sum received for the goods,

supplies, cattle, or other animals sold, and, in

addition, to the cost of prosecution.

82. Every superintendent for the sale of Indian lands

who, directly or indirectly, except under authority of the

Board of Indian Commissioners, purchases any land which he

is appointed to sell, or becomes proprietor of or interested

in any such land, during the time of his superintendency,

shall forfeit his office and incur a penalty not to exceed

five thousand (\$5000) dollars for every offence.

83. Every Indian or other person who engages in, or as-

sists in celebrating or encourages either directly or in-

directly another to celebrate any Indian festival, dance

or other ceremony of which the giving away or paying or

giving away of money, goods or articles of any sort forms

a part, or a feature, whether such gift of money, goods

or articles takes place before, at, or after the cele-

bration; or dance at which the wounding or mutilation of the dead or living body of any human being or animal forms a part or is a feature, is guilty of misdemeanor and is liable to imprisonment for a term not exceeding six months and not less than two months, Provided, That nothing in this section shall be construed to prevent the holding of any agricultural show or exhibition or the giving of prizes thereat.

84. Every fine, penalty or forfeiture under this Act, except as otherwise provided in said Act, shall be deposited in the Treasury of the United States for the benefit of the tribe of Indians with respect to which or to one or more members of which the offence was committed, or to which the offender, if an Indian, belongs; Provided, that the Board of Indian Commissioners may from time to time direct that the same be paid to a

state, municipal or local authority which wholly or in part bears the expense of administering the law under which such fine, penalty or forfeiture is imposed, or that the same be applied in any other manner deemed best adapted to attain the objects of such law or to secure its due administration.

85. (a) No Indian shall without the written

consent of the superintendent or other

officer acting under his authority, sell,

barter, exchange or give any person or Indian

or kill or destroy any animal or the progeny

thereof given to him or to the tribe under

treaty stipulations or agreement or purchased

for, loaned or conditionally given to him or

to the tribe by the government.

(b) If any Indian is convicted of any crime

punishable by imprisonment in a penitentiary or other place of confinement, the costs incurred in procuring such conviction, and in carrying out the various sentences recorded, may be defrayed by the Director of Indian Affairs, and paid out of any annuity or interest coming to such Indian, or to the tribe, as the case may be.

88. It shall be the duty of the United States district attorneys, when requested, to prosecute cases on behalf of Indians; their failure or refusal shall be ground for their removal from office.

#### SUPPRESSION OF THE LIQUOR TRAFFIC

89. Any person who shall sell, give away, dispose of, exchange or barter any intoxicant to any Indian to whom allotment of land has been made while the title to the same shall be held in trust by the Government, or to any Indian ward of



the Government, under charge of any Indian Superintendent or agent, or any Indian, including mixed bloods, over whom the Government, through its departments, exercises guardianship, and any person who shall introduce or attempt to introduce any intoxicant whatsoever, into the Indian country which term shall include any Indian allotment while the title to the same shall be held in trust by the Government or while the same shall remain inalienable by the allottee without the consent of the United States, or who opens or keeps or causes to be opened or kept in the Indian country a house or building in which any intoxicant is sold, supplied or given; or, is found in possession of any intoxicant in the house or place of abode of any Indian or of any person within the Indian country, shall be punished by imprisonment for not more than six months, or by a fine of not less than one hundred dollars for each

offense, or both fine and imprisonment, the person convicted to be committed until said fine and costs are paid.

88. Every Indian who makes or manufactures any intoxicant, or who has in his possession, or has concealed, or who sells, exchanges with, barter, supplies or gives to any other Indian any intoxicant, shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred dollars, or to both fine and imprisonment, in the discretion of the convicting court.

89.(a) Every Indian who is found in a state of intoxication shall be liable on conviction thereof to imprisonment for any term not exceeding one month, or to a fine not exceeding thirty

dollars, and not less than five dollars, or to both fine and imprisonment, in the discretion of the convicting court.

(b) If any Indian who has been so convicted, refuses, upon examination, to state or to give information of the person from whom, the place where, and the time when, he procured such intoxicant, and if from any other Indian, then, if within his knowledge, from whom, where, and when such intoxicant was originally procured or received, he shall be liable to imprisonment as aforesaid for a further period not exceeding fourteen days, or to an additional fine not exceeding fifteen dollars and not less than three dollars, or to both fine and imprisonment, in the discretion of the convicting court.

90. (a) Every person who introduces any intoxicant at any council or meeting of Indians and every agent or officer employed by the Director of Indian Affairs, or by the Board of Indian Commissioners, who introduces, allows or countenances by his presence the use of such intoxicant among such Indians during the week or at or the week after such council or meeting, shall incur a penalty of two hundred dollars.

91. (a). The keg, barrel, case, box, package or receptacle from which any intoxicant has been sold, exchanged, bartered, supplied or given, as well that in which the original supply was contained as the vessel wherein any portion of such original supply was supplied as aforesaid, and the remainder

of the contents thereof, if such barrel, keg, case box, package, receptacle or vessel aforesaid, respectively, can be identified, and any intoxicant imported, manufactured or brought into and upon any reservation or restricted Indian land, or into the house, tent, wigwam or place of abode, or on the person of any Indian, or suspected to be upon any reservation, may be searched for under a search warrant in that behalf granted by any court having jurisdiction and, if found, seized by any Indian Superintendent, or other officer connected with the Department of Indian Affairs, wheresoever found on such land or in such place or on the person of such Indian and by such officer destroyed.

(b) Such court may condemn the Indian or person in whose possession the same is found to pay a



penalty not exceeding one hundred dollars and not

less than fifty dollars, and the costs of prosecution;

and, in default of immediate payment,

the offender may be imprisoned for any term not

exceeding six months, and not less than two months,

unless such penalty and costs are sooner paid.

92. If it is proved in court that any vessel, boat, canoe, or conveyance of any description, upon the sea or sea-coast, or upon any river, lake or stream, is employed in carrying any intoxicants to be supplied to Indians, such vessel, boat, canoe or conveyance so employed may be seized and declared forfeited on the order of the court, and sold and the proceeds thereof deposited in the Treasury of the United States and be used as provided in Section 100, for the purposes hereinbefore mentioned.

93. Every article, chattel, commodity or thing in the purchase, acquisition, exchange, trade or barter of which in violation of this Act, the consideration, either wholly or in part, is an intoxicant, shall be forfeited and may be seized, and disposed of as provided in the last preceding section.

94. The commander or person in charge of any steamer or other vessel, or boat, from or on board of which any intoxicant has been sold, bartered, exchanged, supplied or given to any Indian shall, be liable to a fine not exceeding three hundred dollars and not less than fifty dollars for each such offence, with costs of prosecution, and in default of immediate payment of such penalty and costs any person so convicted shall be imprisoned by the court before whom the conviction has taken place, for a term not exceeding six months and not less than one month, or until such penalty and costs are paid.

95. (a) If any officer in charge of an Indian school or reservation, or commanding officer of a military post, has reason to suspect, or is informed that any white person or Indian is about to introduce or has introduced any intoxicant into the Indian country in violation of law, such officer may cause the boats, stores, packages, wagons, sleds, motor vehicles, and other places of deposit of such person to be searched, and if any such liquor is found therein, the same together with the boats, teams, wagons, sleds and motor vehicles used in conveying the same, and also the goods, and packages of such person, shall be seized and proceeded against by libel in the proper court; if such person be a trader, his license shall be revoked.

(b) It shall be the duty of any person in the service of the United States, or any Indian to take and destroy

any intoxicants found in the Indian country,  
except such as may be introduced according to  
law.

96. Every person who shall, within the Indian country,  
engage in the manufacture of intoxicants shall be liable to a  
penalty of one thousand dollars; and the superintendent within  
the limits of whose jurisdiction the manufacture of intoxicants is engaged in, shall forthwith destroy all articles and things whatsoever which may be employed in said manufacture.

97. All complaints for the arrest of any person or persons made for violation of any of the provisions of this act shall be made in the county where the offense shall have been committed, or if committed upon or within any reservation not included in any county, then before the United States court commissioner, or commissioner of the Circuit

Court of the United States residing nearest the place where the offense was committed, who is not for any reason disqualified, but in all cases such arrests shall be made before any United States court commissioner residing in such adjoining county, or before any magistrate or judicial officer authorized by the laws of the State in which such reservation is located to issue warrants for the arrest and examination of offenders by section ten hundred and fourteen of the Revised Statutes of the United States. And all persons so arrested shall, unless discharged upon examination, be held to answer and stand trial before the court of the United States having jurisdiction of the offense.

98.(a) No penalty shall be incurred under the foregoing sections when the intoxicant is made use of in case of sickness under the sanction of a physician or under the direction of a minister of religion in



accordance with regulations to be prescribed by the Board of Indian Commissioners.

(b) The burden of proof that the intoxicant has been so made use of shall be on the accused.

99. Any employe of the Indian Department may arrest without warrant any person or Indian found gambling, or drunk, or with intoxicants in his possession on any part of an Indian reservation, and may detain him until he can be brought before the proper court and such person or Indian shall be liable upon conviction to imprisonment for a term not exceeding three months or to a penalty not exceeding fifty dollars and not less than ten dollars, with costs of prosecution.

100. One-half of all fines imposed in connection with the suppression of the liquor traffic among Indians under this

Act, shall belong to the informer and the other one-half shall be deposited in the Treasury of the United States to be used as provided in Section 92 of this Act.

101. The following acts relating to the suppression of the liquor traffic within certain states and certain reservations are hereby reenacted.

#### A R I Z O N A

(Enabling Act of June 20, 1910, 36 Stat. 556)

Sec. 20 (a) . . . and the sale, barter, or giving of intoxicating liquors to Indians and the introduction of liquors into Indian country are forever prohibited.

#### FORT PECK RESERVATION, MONTANA.

Act of March 3, 1909, (35 Stat. 796, K. vol. 3, p. 404)  
(b) Sec. 17. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-

five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not, shall for a like period be subject to all the laws of the United States prohibiting the sale or other disposition of intoxicants to Indians.

FLATHEAD RESERVATION, MONTANA.

(Act of March 3, 1909, 35 Stat. 795)

(c) Sec. 21. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country, and that the Indian allottees, whether under the care of an Indian agent or not,

shall for a like period be subject to all the laws  
of the United States prohibiting the sale or other  
disposition of intoxicants to Indians.

NEW MEXICO.

(Enabling Act of June 20, 1910, 36 Stat. 556)

(d) Sec. 2 . . . and the sale, barter, or giving  
of intoxicating liquors to Indians and the intro-  
duction of liquors into Indian country, which term  
shall also include all lands now owned or occupied  
by the Pueblo Indians of New Mexico, are forever  
prohibited.

FORT BERTHOLD RESERVATION, NORTH DAKOTA

(Act of June 1, 1910, 36 Stat. 455)

(e) Sec. 13. That the lands allotted, those re-  
tained or reserved, and the surplus lands sold, set  
aside for townsite purposes, granted to the State,

or otherwise disposed of shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until Congress shall otherwise provide.

RED LAKE INDIAN RESERVATION, MINNESOTA.

(Act of February 8, 1905, 33 Stat. 709)

(f) Sec. 5. The laws of the United States now in force, or that may hereafter be enacted, prohibiting the introduction and sale of intoxicating liquors in the Indian country, shall be in full force and effect throughout the territory hereby granted, until otherwise directed by Congress or the President of the United States, and for that purpose said tract shall be held to be and to remain a part of the diminished Red Land Indian Reservation.



OMAHA RESERVATION, NEBRASKA.

(Act of May 11, 1912, 37 Stat. 111)

(g) Sec. 2 .....Provided further, That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for townsite purposes, or otherwise disposed of, shall be subject for a period of twenty-five years to all of the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

STANDING ROCK RESERVATION, NORTH DAKOTA.

(Act of February 14, 1913, 37 Stat. 678)

(h) Sec. 8. That the lands allotted, those retained or reserved and the surplus lands sold, set aside for townsite purposes, or granted to the State, or otherwise disposed of, shall be subject for a period of twenty-five years to all the laws of the

United States prohibiting the introduction of intoxicants into the Indian country.

THE KIOWA, COMANCHE AND APACHE INDIANS IN OKLAHOMA

(Act of March 20, 1896, 34 Stat. 80)

(1) Sec. 2. . . . Provided, further, that no person shall sell or give away intoxicating liquors or

other intoxicants upon any of the lands sold or conveyed by the provisions of this Act, and any person so selling or giving away liquor or other intoxicants shall be guilty of a misdemeanor, and shall be punished, by imprisonment for not more than two years and by a fine of not more than one thousand dollars.

SILETZ RESERVATION, OREGON.

(Act of May 13, 1910, (36 Stat. 368)

(j) Sec. 5. That the lands heretofore or here-

after allotted, those retained, reserved, or otherwise disposed of are hereby made subject for a period of twenty-five years, to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

CHEYENNE RIVER AND STANDING ROCK RESERVATIONS,

NORTH DAKOTA.

(Act of February 17, 1910, 36 Stat., 197)

(k) Sec. 8. . . . That the lands allotted, those retained or reserved, and the surplus lands sold, set aside for town-site purposes, or granted to the said States, or otherwise disposed of under the provisions of this Act, shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

PINE RIDGE RESERVATION, SOUTH DAKOTA.

(Act of May 27, 1910, 36 Stat. 443)

(1) Sec. 10. That the lands allotted, those retained or reserved, and the surplus sold, set aside for townsite purposes, granted to the State of South Dakota, or otherwise disposed of, shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

ROSEBUD RESERVATION, SOUTH DAKOTA.

(Act of May 30, 1910, 36 Stat., 451)

(m) Sec. 10. That the lands allotted, those retained, or reserved, and the surplus sold, set aside for town-site purposes, granted to the State of South Dakota, or otherwise disposed of, shall be subject for a period of twenty-five years to all the laws

(1910, 36 Stat. 349)  
of the United States prohibiting the introduction  
of intoxicants into the Indian country.

YAKIMA RESERVATION, WASHINGTON.

(Act of May 6, 1910, 36 Stat. 349)

(n) Sec. 11. That the lands allotted, those retained or reserved, and the surplus lands sold or otherwise disposed of shall be subject for a period of twenty-five years to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country.

JUDICIAL PROSECURE.

102. All crimes and offenses committed on unallotted Indian reservations, or restricted Indian lands, by any Indian or other person, penalties for which are not specifically provided in this Act, shall be subject to the same punishment as is provided in cases of other persons con-



victed of any of said crimes or offenses under the laws of the State wherein the same are committed.

103.(a) The Superintendent of every Indian reservation

shall be ex-officio a United States Commissioner and he shall have the same authority and jurisdiction within said reservation in case of said offenses and crimes as are conferred by the laws of the State upon Justices of the Peace of said State, in addition to the powers and duties conferred by law upon United States Commissioners.

(b) The Superintendent of any Indian reservation

may be appointed or elected a Justice of the Peace under the laws of the State in which the reservation over which he presides is situated, if there is nothing in the constitution or laws of said State to prohibit; Provided, his jurisdiction shall not extend beyond

the outside boundaries of said reservation.

104. (a) All persons who are in whole or in part of Indian blood or descent who are entitled to an allotment of land under any law of Congress, or who claim to be so entitled to land under any allotment act or under any grant made by Congress, or who claim to have been unlawfully denied or excluded from any allotment or any parcel of land to which they claim to be lawfully entitled by virtue of any Act of Congress, may commence and prosecute or defend any action, suit, or proceeding in relation to their right thereto in the proper circuit court of the United States; and said circuit courts are hereby given jurisdiction to try and determine any action, suit, or proceeding arising within their respective jurisdictions involving the right of any person, in whole or in part of Indian

blood or descent, to any allotment of land under any law or treaty (and in said suit the parties thereto shall be the claimant as plaintiff and the United States as party defendant); and the judgment or decree of any such court in favor of any claimant to an allotment of land shall have the same effect, when properly certified to the Director of Indian Affairs as if such allotment had been allowed and approved by him.

(b) The plaintiff shall cause a copy of his petition filed under the preceding section to be served upon the district attorney of the United States in the district wherein suit is brought, and shall mail a copy of same, by registered letter, to the Attorney General of the United States, and shall thereupon cause to be filed with the clerk of the court wherein

suit is instituted an affidavit of such service

and the mailing of such letter.

(c) It shall be the duty of the United States attorney upon whom service of petition is made as aforesaid to appear and defend the interests of the Government in the suit, and within sixty days after the service of petition upon him, unless the time should be extended by order of the court made in the case, to file a plea, answer, or demurrer on the part of the Government, and to file a notice of any counter claim, set off, claim for damages or other demand or defense whatsoever of the Government in the premises, Provided, That, should the district attorney neglect or refuse to file the plea, answer demurrer, or defense, as required, the plaintiff may

proceed with the case under such rules as the court may adopt in the premises, but the plaintiff shall not have judgment or decree for his claim, or any part thereof, unless he shall establish the same by proof satisfactory to the court.

(d) In all actions brought in any state court or United States court by any patentee, his heirs, grantees, or any person claiming under such patentee, for the possession or rents or profits of lands patented in severalty to the members of any tribe of Indians under any treaty or agreement between it and the United States of America, where a deed has been approved to the land sought to be recovered, the statutes of limitations of the states in which said land is situated shall be held to apply, and it shall be <sup>a</sup>complete defense to such action that the same has not been



brought within the time prescribed by the statutes of said state the same as if such action had been brought for the recovery of land patented to others than members of any tribe of Indians.

(e) In any case where the restrictions as to alienation have been removed with respect to any Indian allottee, or as to any portion of the lands of any Indian allottee, and such allottee as an individual, or as a member of any tribe, has an interest in any fund held by the United States beyond the amount by law chargeable to such Indian or tribe on account of advances, the Director of Indian Affairs is hereby authorized, prior to the date at which any penalties for the non-payment of taxes would accrue under the laws of the State or Territory in which such land is situated, to pay such taxes and charge the amount

thereof to such allottee, to be deducted from the share of such allottee in the final distribution or payment to him from such fund, Provided, that no such payment shall be made by said Director of Indian Affairs where it is in excess of the amount which will ultimately be due said allottee.

105. No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty, but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired.

#### EVIDENCE

106. Copies of any records, documents, books or papers belonging to or deposited in the Department of Indian Affairs

attested under the signature of the Director of Indian Affairs,  
or of a person deputed by him for such purpose, shall be ev-  
idence in all cases in which the original records, documents,  
books or papers would be evidence.

107. The Director of Indian Affairs is hereby empowered  
and directed to continue to make and keep a record of every  
deed executed by any Indian, his heirs, representatives,  
or assigns, which may require the approval of the President  
of the United States or of the Secretary of the Interior  
whenever such approval shall have been given, and the deed  
so approved returned to said office.

108. (a) The Director of Indian Affairs shall cause a  
seal to be made and provided for the said office,  
with such device as the Board of Indian Commis-  
sioners shall approve, and copies of any public  
documents, records, books, maps, or papers belong-

ing to or on the files of said office authenticated by the seal and certified by the Director thereof, or by such officers as may, for the time being, be acting as or for such Director, shall be evidence equally with the originals thereof.

(b) The Director of Indian Affairs shall have the custody of said seal, and shall furnish certified copies of any such records, books, maps, or papers, belonging to or on the files of said office, to any person applying therefor who shall comply with the requirements of said office, upon the payment by such parties at the rate of ten cents per hundred words, and one dollar for copies of maps or plats, and the additional sum of twenty-five cents for the Director's certificate of verification, with the seal of said office, and one of the employees of said office shall be designated by

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the director as the receiving clerk who shall give bond in the sum of one thousand dollars, and the amounts so received shall, under the direction of the Director, be paid into the Treasury of the United States, but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government or by any Indian who shall satisfy the Director by proper evidence that he or she is not able, by reason of poverty, to pay such fees, nor for such unverified copies as the Director in his discretion may deem proper to furnish.

- 109.(a) In any order, writ, warrant, summons and proceedings whatsoever made, issued or taken by the Director of Indian Affairs or any officer or person by him deputed as aforesaid, or by any court, it shall not be necessary to insert or express the name



of the person or Indian summoned, arrested, imprisoned or otherwise proceeded against therein, except when the name of such person or Indian is truly given to or known by the Director, or such officer or person, or court.

(b) If the name is not truly given to or known by him, he may name or describe the person or Indian by any part of the name of such person or Indian given to, or known by him.

(c) If no part of the name is given or known by him, he may describe the person or Indian proceeded against in any manner by which he may be identified.

(d) All such proceedings containing or purporting to give the name or description of any such person or Indian as aforesaid shall prima facie be sufficient.

110. If any tribe has a council, any consent required of the tribe may be granted by a vote of a majority of such councillors, at a council summoned according to its rules, and held in the presence of the Director of Indian Affairs or his agent.

111. All affidavits required under this Act or intended to be used in reference to any claim, business or transaction in connection with Indian Affairs, may be taken before the judge or clerk or any United States court, or the Superintendent of any Indian school or reservation, or other officer appointed by the Director of Indian Affairs to inquire into, or to take evidence, or report in any matter submitted to or pending before the Director.

112. Upon any inquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever

or by whomever committed, any court having jurisdiction may receive the evidence of any Indian who is destitute of the knowledge of God or of any fixed and clear belief in religion, or in a future state of rewards and punishment, without administering the usual form of oath to any such Indian as aforesaid, upon his solemn affirmation or declaration to tell the truth, the whole truth and nothing but the truth, or in such form as is approved by such court as most binding on the conscience of such Indians.

113.(a) In the case of any inquiry into any matter involving a criminal charge, or upon the trial of any crime or offence whatsoever, the substance of the evidence or information of any such Indian, as aforesaid, shall be reduced to writing and signed, by mark if necessary, by the Indian giving the same, and verified by the signature or mark of the person

acting as interpreter, if any, and by the signature of the judge or person before whom such evidence or information is given.

(b) The court shall, before taking any such evidence, information or examination, caution every such Indian that he will be liable to incur punishment if he does not tell the truth, the whole truth, and nothing but the truth.

114. Whenever the marriage of any white man with any Indian woman, a member of any tribe of Indians, is required to be proved in any judicial proceeding, evidence of the admission of such fact by the party against whom the proceeding is had, or evidence of general repute, or of cohabitation as married persons, or any other circumstantial or presumptive evidence from which the facts may be inferred shall be competent.

115. Every solemn affirmation or declaration, in whatever form made or taken, by any Indian, as aforesaid, shall be of the same force and effect as if such Indian had taken an oath in the usual form.

116.(a) The written declaration or examination so made, taken and verified, of any such Indian, as aforesaid, may be lawfully read and received as evidence upon the trial of any criminal proceeding when under the like circumstances the written affidavit, examination, deposition or confession or any person might be lawfully read and received as evidence.

(b) In trials about the right of property in which an Indian may be a party on one side and white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in



himself from the fact of previous possession or ownership.

#### ELECTION OF COUNCILS

117.(a) Whenever the Board of Indian Commissioners deems it advisable for the good government of a tribe it may permit said tribe to establish a system of local self-government and to elect a tribal council for such purposes as hereinafter provided.

(b) At the election of a council, or at the granting of any consent required of a tribe under this Act or any existing law, those entitled to vote at the council or meeting thereof, shall be the male members of the tribe, of the full age of twenty-one years, and the vote of a majority of such members, at a council or meeting of the band summoned according to its rules, and held in the presence of the Director

of Indian Affairs, or of an agent acting under his instructions, shall be sufficient to determine such election or grant such consent.

118.(a) A meeting of the electors for the purpose of nominating candidates for election as councillors shall be held between the hours of ten o'clock in the forenoon and twelve o'clock at noon, at a place to be appointed by the Indian Superintendent on a day being one week previous to the day on which election of councillors is to be held on any reservation as hereinafter provided.

(b) Due notice of such meeting shall be given in the manner customary in the tribe for calling meetings for public purposes.

(c) The Indian Superintendent, or in his absence such person as is appointed by the Director of Indian

Affairs, or failing such appointment, a chairman to be chosen by the meeting, shall preside over such meeting and shall take and keep the minutes thereof.

(d) Only Indians nominated at such meeting shall be recognized as, or permitted to become candidates for election as aforesaid; and each nomination to be valid must be made on the motion of an elector of the district of the reservation for the representation whereof the nominee is proposed as a candidate, and the motion must be seconded by another elector of that district.

(e) The nominations of the candidates shall, so far as practicable, be made consecutively up to the hour of twelve o'clock noon.

(f) If only one candidate for any councillorship is proposed, the presiding officer shall, at twelve o'clock

noon, declare such candidate duly elected, and if two or more candidates are proposed for any councillorship an election shall be held under the provisions of the following chapter.

119. (a) On a day and at a place, and between the hours prescribed by the Director of Indian Affairs, the electors shall meet for the purpose of electing the members of the council of the reservation.

(b) One or more members to represent each district of the reservation, as provided by the Director of Indian Affairs, shall be elected by the electors resident in each district and the Indian or Indians, as the case may be, having the votes of the greatest number of electors for each district, shall be the councillor or councillors, as the case may be.

(c) The superintendent for the reservation shall preside at the election, or in his absence some person appointed by him as deputy, and shall take and record the votes of the electors, and may, subject to appeal to the Director by or on behalf of any Indian or Indians who deems himself or themselves aggrieved, admit or reject the claim of any Indian to be an elector, and may determine who are the councillors for the several sections, and shall report the same to the Director of Indian Affairs.

(d) In any case of any equality of votes at any such election the person presiding shall have the casting vote;

(1) The councillors may be in the proportion of two for every two hundred Indians.

(11) No tribe shall have more than fifteen councillors.



(iii) Any tribe composed of at least thirty

members may have a council of three members.

120.(a) Any election may be set aside by the Director

of Indian Affairs if it is proved by two witnesses

before the superintendent of the reservation, or such

other person as is deputed by the Director to take

evidence in the matter, that fraud or gross irreg-

ularity was practiced at the said election.

(b) Every Indian who is proved guilty of such fraud

or irregularity, or connivance therat, may be de-

clared ineligible for re-election for a period not

exceeding six years by the Director of Indian Af-

fairs.

121. Any elected councillor may, on the ground of dis-

honesty, intemperance, immorality or incompetency, be

deposed by a three-fourths vote of the council with the

approval of the Director of Indian Affairs, or by the Director after a hearing before the council and declared to be ineligible to hold the office of councillor for a period not exceeding three years.

132. (a) On a day and at a place, and between the hours prescribed by the Director of Indian Affairs, if the day fixed for the same is within eight days from the date at which the councillors were elected, the said councillors shall meet and elect one of their number to act as President, and one to act as Secretary, whose terms of office, qualification, compensations and duties shall be prescribed by the council subject to the approval of the Director of Indian Affairs.

(b) The President and Secretary may be required by the council or the Director of Indian Affairs

to furnish bonds for the faithful performance of their duties.

(c) The council shall meet for the despatch of business at such place on the reservation and at such times as the superintendent for the reservation, or the President of the council, with the approval of said Superintendent, appoints but which shall not exceed twelve times or be less than four times in the year for which it is elected, and due notice of the time and place of each meeting shall be given.

123. At such meeting of the council the superintendent for the reservation, or some person appointed for the purpose by him, shall,

(a) preside,

(b) control and regulate all matters of procedure and

form and adjourn the meeting to a time named or  
sine die;

(c) report and certify all by-laws and other acts  
and proceedings of the council to the Director of  
Indian Affairs,

(d) address the council and explain and advise the  
members thereof upon their powers and duties;

(e) No such superintendent or presiding officer shall  
vote on any question to be decided by the council.

124. Full faith and credence shall be given in all courts  
and places whatsoever to any certificate given by such  
superintendent or deputy under the provisions of paragraph  
(c) of the last preceding section.

125. (a) Each councillor present shall have a vote on  
every question to be decided by the council, and  
such question shall be decided by the majority of

votes, the President voting as a councillor and having also a casting vote, in case the votes would otherwise be equal.

(b) The Secretary shall keep a record of the deaths and births on the reservation and report the same when required, and at least once a year, to the superintendent of the reservation, he shall also keep an adequate record of the proceedings of all meetings, and the council and committees thereof, under the direction of the President of the council.

(c) Four councillors, or a majority, if the whole number is four or less, shall be a quorum for the despatch of any business.



VACANCIES, ETC.

- 226.(a) The councillors shall remain in office until others are elected in their stead, and an election for that purpose shall be held in like manner, at the same place and between the hours on the like day, in each succeeding year, if it is not Sunday or a holiday, in which case it shall be held on the next day thereafter which is not a Sunday or a holiday.
- (b) If there is a failure to elect on the day appointed for the election, the Director of Indian Affairs shall appoint another day on which it shall be held.
- (c) In the event of a vacancy in the council, by the death or inability to act of any councillor, more than three months before the time for the next election, an election to fill such vacancy shall be held by

the Superintendent or his deputy, after such notice to the electors concerned as provided by the Director of Indian Affairs, at which only the electors of the district represented by the councillor to be replaced shall vote, and to such election the provisions respecting other elections shall apply, as far as they are applicable.

(d) If the councillor to be replaced is the President or Secretary, then an election of such officer shall be held in the manner already provided, but the day fixed for such election shall be at least one week after the date when the new councillor is elected.

(e) During the time of any vacancy in the council the remaining councillors shall constitute the council, and they may, in the event of a vacancy in any office, appoint an officer from among themselves

for the time being.

(f) Every member of a council elected under the provisions of this chapter, who is proved to be an habitual drunkard or to be living in immorality, or to have accepted a bribe, or to have been guilty of dishonesty or of malfeasance of office of any kind, shall, on proof of the fact to the satisfaction of the Director of Indian Affairs, be disqualified from acting as a member of the council, and the vacancy occasioned thereby shall be filled in the manner hereinbefore provided.

#### POWERS OF COUNCIL

127. The council may, by any by-law, or regulation, approved and confirmed by the Director of Indian Affairs, provide that the funds of the tribes may be used for the education of children whose parents are members of the tribe in such schools

as said council may designate with the approval and consent of said parents.

138. The council, may also make by-laws, rules and regulations, subject to the approval and confirmation by the Director of Indian Affairs, regulating all or any of the following subjects and purposes;

- (a) the care of the public health;
- (b) The observance of order and decorum at elections of councillors, meetings of the council, and assemblies of Indians on other occasions, or generally, on the reservation, by the appointment of constables and erection of jails, or by the adoption of other legitimate means;
- (c) the repression of intemperance and profligacy;
- (d) the subdivision of the land in the reservation and the distribution of the same amongst the members of

the tribe; also, the setting apart, for common use, of woodland and land for other purposes;

(e) the protection of and the prevention of trespass by cattle, sheep, horses, mules and other domesticated animals; and the establishment of pounds, the appointment of pound-keepers and the regulation of their duties, fees and charges;

(f) the construction and repairs of school houses, council houses and other buildings for the use of the Indians on the reservation, and the attendance at school of children between the ages of six and fourteen years;

(g) the construction, maintenance and improvement of roads, and bridges, and the contributions, in money and labor, and other duties of residents on the reservations, in respect thereof; and



the appointment of road-masters and fence-viewers,  
and their powers and duties;

(h) the construction and maintenance of irrigation  
and drainage, ditches and fences, the destruction and  
repression of noxious weeds and the preservation of  
the trees on the various holdings, or elsewhere, in  
the reservation;

(i) the removal and punishment of persons trespassing  
upon the reservation, or frequenting it for improper  
purposes;

(j) the raising of money for any or all of the  
purposes for which the council may make by-laws as  
aforesaid, by assessment and taxation of the lands  
in the possession of Indians by allotment or selection  
in the reservation; Provided, that the valuation for  
assessment shall be made yearly, in such manner and

at such times as are appointed by the by-law in that behalf, and be subject to revision and correction by the Superintendent for the reservation, and shall come into force only after it has been submitted to him and corrected, if and as he thinks justice requires, and approved by him, and that the tax shall be imposed for the year in which the by-law is made, shall not exceed one-half of one per centum of the assessed value of the land on which it is to be paid; and provided also that any Indian deeming himself aggrieved by the decision of the Superintendent, made as hereinbefore provided, may appeal to the Director of Indian Affairs whose decision in the matter shall be final;

(k) the appropriation and payment to the local Superintendent as treasurer, by the Director of

Indian affairs of so much of the moneys of the tribe as are required for defraying expenses necessary for carrying out the by-laws made by the council, including those incurred for assistance absolutely necessary for enabling the council or the Superintendent to perform the duties assigned to them,

(1) the imposition of punishment by fine or by imprisonment, or by both, for any violation of or disobedience to any law, rule, or regulation made under this chapter, committed by any Indian of the reservation; but such penalty shall, in no case, except for non-payment of taxes, exceed that fixed for similar offenses by the law of the state in which the offense is committed.

128(a) If any tax authorized by any by-law, or any part

Indian affairs of so much of the moneys of the tribe as are required for defraying expenses necessary for carrying out the by-laws made by the council, including those incurred for assistance absolutely necessary for enabling the council or the Superintendent to perform the duties assigned to them;

(1) the imposition of punishment by fine or by imprisonment, or by both, for any violation of or disobedience to any law, rule, or regulation made under this chapter, committed by any Indian of the reservation, but such penalty shall, in no case, except for non-payment of taxes, exceed that fixed for similar offenses by the law of the state in which the offense is committed.

128(a) If any tax authorized by any by-law, or any part

thereof, is not paid at the time prescribed by the by-law, the amount unpaid with the addition of one-half of one per centum thereof, may be paid by the Director of Indian Affairs to the treasurer out of the share in any money of the tribe of the Indian in default; and, if such share is insufficient to pay the tax, or any portion thereof so remaining unpaid, the defaulter shall be deemed to have violated the by-law imposing the tax, and shall incur a penalty therefor equal to the amount of the tax or the balance thereof remaining unpaid, as the case may be, and be disqualified to vote at any election of councillors, and to hold the office of councillor.

(b) The proceedings for the imposition of any punishment authorized by this section, or the by-laws, rules or regulations approved and confirmed thereunder, may



be taken before any court having jurisdiction over other offenses committed upon Indian reservations and the amount of any such penalty shall be paid over to the treasurer of the tribe to which the Indian incurring belongs for the use of such tribe.

(c) The by-laws, rules and regulations by this section authorized to be made, shall, when approved and confirmed by the Director of Indian Affairs, have the force of law within and respect to the reservation and the Indians residing thereon.

C O P Y.

To the Commissioner  
of Indian Affairs.

During recent years the Red Lake Indians have given about three million acres of their land to the white man and our reservation is now only about one eighth the size it was twenty-five years ago. We have made up our minds that this diminished reservation shall remain the property of the Red Lake Indians as long as we live, and when we die we shall bequeath it to our grand children whole and entire.

For a number of years the white people living in the vicinity of our reservation are devising various schemes for getting possession of this property of ours. Within the last few weeks newspaper reports have been shown us stating that efforts are being made in Washington to pass legislation at the present session of Congress to force us to take allotments and then to open the balance of our lands for settlement by the white man. If these efforts are successful, it will mean the eventual loss of many million dollars worth of property for ourselves and our children, and our descendants will be found on the roads as beggars instead of being a rich and prosperous people. We therefore apply for help to you, the "Great Indian Chief", as we know that no legislation detrimental to our interests can be passed by Congress unless you first approve of it.

We beg to emphasize the following:-

1. We do not wish to dispose of any of our lands. We want to leave it all to our descendants. When we made a treaty with H. M. Rice twenty-four years ago it was agreed that this reservation should be held in common for fifty years.

"By that time", he said, "your children will be intelligent enough to know how to look after their own interests, so as not to be cheated by the white man, and after that your young men may do what they deem best". For this reason we have all our children at the schools, so that they may be just as intelligent as the white man. Therefore we wish to hold this land for at least twenty-six years longer, so as to complete the fifty years agreed upon.

We do not want to have any allotments. We wish that each member of this reservation shall be at liberty to farm, cut wood, fish, hunt and trap whenever and wherever he wishes to do so on the reservation. We would not be able to make intelligent use of our allotments. We hate some of the provisions of the allotment laws, especially that the allotment of dead persons may be sold by the heirs, and that the children to be born in the future are not to receive any land.

Committee

( Bay-mway-way-be-nais  
Che-ge-shig or Ed. Brentice  
Ah-ke-wen-zie  
Zo-zay

His

By Bay-mway-way-be-nais (thush mark)

*with letter of 12-13 To  
R. B. Smith, Chairman Senate  
Committee on Indian Affairs*

Justification Submitted by Board of Indian  
Commissioners for Amendment to Indian  
Appropriation Bill, 1914, (H.R. 28874)  
Page 6, Lines 24 and 25, Increasing  
Amount of Appropriation from  
\$4000 to \$10,000.

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The United States Board of Indian Commissioners was organized in pursuance of the Act of April 10th, 1869, (R.S. 2039) which provided for the appointment by the President of the United States of a Board to be "composed of not more than ten persons appointed by the President solely from men eminent for intelligence and philanthropy and who shall serve without pecuniary compensation." On June 3, 1869, an executive order was issued by which the Commission was authorized to make its own organization and employ its own clerical assistance. Directions were given that the Commission should be furnished with full opportunity to inspect the records of the Indian Office and to obtain full information as to the conduct of all parts of the affairs thereof, with full power to inspect in person or by special committee the various Indian superintendencies and agencies in the country, to be present at the purchase of all goods for Indian purposes, advising with the Commissioner of Indian Affairs with respect thereto; and whenever the Board should deem it necessary or advisable they were to recommend any

changes or modifications in the instructions to agents and superintendents, in the method of purchasing goods or in the conduct of the affairs of the Indian Bureau generally. They were also to suggest plans for the better dealing with all questions relating to the Indians. All officers of the Government connected with the Indian service were directed to afford to the members of the Board every facility and opportunity to assist them in the performance of their duties.

By Act of July 5, 1870 (R.S.2041), the Board was directed to supervise all expenditures of money appropriated for the benefit of Indians and to inspect all goods purchased for the Indian service.

By the Act of May 29, 1872, (R.S.2042), any member of the Board was empowered to investigate contracts, expenditures and accounts in connection with the Indian service and to have access to all books and papers relating thereto in any Government office.

To take up for a moment the question of accounting, following the enactment of 1870 the Board audited all accounts in the Indian Bureau, amounting at that early time to the very material sum of several millions of dollars annually. The early reports of the Board contain detailed references to this work and point out the improvement in methods adopted and the large saving in cost, resulting therefrom. For example, the report for 1871 states that in one year nearly \$500,000 had been saved in the cost of beef alone, the greater proportion of which was chiefly due to the competition resulting from the changed methods adopted. This work was continued until Congress by Act of May 17, 1882,



22 Stat. 70, removed from the Board the responsibility of accounts, it being then felt that the organization of the Indian Bureau was such that these matters could be as well attended to through the ordinary channels of the Bureau.

Since that time functions of the Board have been confined to the advisory work set forth in the Act of Congress above quoted, and the executive order.

From its organization on May 26th, 1869 until the present time, the Board has given active attention to its duties, which at some times have been more onerous than at others, owing to conditions then existing. For a number of years in many of the treaty negotiations, the interests of the United States were represented by one or more members of the Board. To even enumerate these and the many visits to the Indian country in connection with the work, would occupy too much space, but reference may be made to a few of the more important ones.

In 1869 much of Indian Territory and the Pacific slope were visited including conferences with the Kiowas, Comanches, Apaches and other small bands at Fort Sill. Also by another Committee Indian Territory, Kansas, Texas, New Mexico and Arizona, with numerous meetings with the several tribes of Indians in these regions. Also an investigation of conditions on the Pacific Coast, extending as far north as Alaska.

In 1870 a visit was made to Red Cloud and a pretreated council held with him and his fellow tribesmen. During this year considerable attention was also paid to the organization of Indian Territory into a territory, with the adoption of a

constitution, etc. suited to its requirements.

In 1871 the Sioux were again visited, also the Apaches of Arizona and New Mexico, as well as the Pacific Coast.

In 1872 similar work was done, including attendance at the Ute Conference of that year.

The foregoing will give an idea of the scope of the labors of the Board as carried on in the first years after its appointment. Nor was it any less active in subsequent years. Its work has not been largely confined to report recommendations but has included during all of the many years of its existence, the discussion of problems of all kinds connected with the Indian Bureau, influencing the policy of the Nation in its treatment of these dependent people in many important respects. In its very earliest reports it advocated the breaking up of the reservations and the allotment of land in severalty so soon as the Indians were fit for such treatment, and one of the first, if not the first Severalty Bill to be presented to Congress was drafted by the Board.

In recent times for a variety of reasons its activity has not been so great as in the past. The Board has maintained its office in Washington, and has come in contact with Government officers and citizens generally who are interested in Indian problems. It has made many suggestions for the betterment of the service and for legislation calculated to improve the status of the Indian and a large proportion of these have been adopted. In addition, members of the Board have conferred with the Commissioner of Indian Affairs respecting the purchase of supplies of all kinds, including the opening of bids, the examination of samples and the

awarding of contracts. Within the past few years a number of visits have been paid to the Indian country, including reservations in Minnesota, Wisconsin, South Dakota, Oklahoma, Arizona and the Pacific Slope.

The Board would be glad to do a great deal more of this sort of work if it were possible for it to do so. At the present time, however, it is very seriously hampered by the lack of funds. For a number of years the annual appropriation has been \$4,000. Of this amount \$2,500 has been appropriated for the secretary's salary and \$300 for office rent. The stenographer's services approximate \$400 and there have also been stationery, telephone and incidentals, leaving for traveling expenses but a very small sum, the bulk of which has been necessary for the traveling of members in attending the two regular meetings of the Board held in each year. After defraying the foregoing, which may be considered as the fixed charges of the Board, there has usually been left less than \$300 annually for all the other visitation work of the Board (the actual average for twelve years ending with the fiscal year 1912 was \$238.95). As for 1913, there is now available an estimated sum of \$180 for travel <sup>during</sup> the balance of the fiscal year, \$105.32 having been spent for an official trip to Fort Sill, Oklahoma. It can readily be seen that with ten members it is impossible to meet requirements out of such limited resources. It must be borne in mind that the Board serves without any pay whatever, its members contributing their time and services and only receiving the actual expenses incurred.

The representative nature of the Board may be judged from the following brief biographical sketches of its present members:



MEMBERS OF THE BOARD OF INDIAN COMMISSIONERS.

January 24, 1913.

GEORGE VAUX, Jr., 1606 Morris Building, Philadelphia, Pa. (home Bryn Mawr, Pa.), the present chairman of the Board, was appointed a member <sup>November</sup> ~~December~~ 27, 1906. He is 49 years of age and is a lawyer prominently identified with public affairs in Philadelphia, being past vice-president of the National Conference of Charities and Correction, and at present vice-chairman of the Committee of 100 of Philadelphia Citizens on Municipal Charities, president pro tem of the Pennsylvania Public Charities Association just being formed, and chairman of the Executive Committee of the Board of Managers of Haverford College.

MERRILL E. GATES, LL.D., 1309 Rhode Island Ave., Washington, D.C., became a member of the Board in 1884, was its chairman from 1890 to 1899 and its secretary from 1899 to 1911. He is 64 years of age, was formerly president of Amherst College and of Rutgers College, and is prominently connected with educational and religious work.

WILLIAM D. WALKER, D.D., LL.D., 367 Elmwood Ave., Buffalo, N.Y., was appointed to the Board in 1887. He is 73 years of age and since 1896 has been Protestant Episcopal Bishop of Western New York. For thirteen years he was missionary bishop of North Dakota where he acquired a wide acquaintance with Indian affairs.

ANDREW S. DRAPER, LL.D., Albany, N.Y., was appointed to the Board in 1902 and was its chairman from 1909 until January 15, 1913. He is 64 years of age and is New York State Commissioner of Education which position he held from 1886 to 1892 and reassumed in 1904. He was formerly a practicing lawyer and a member of the New York State Assembly.



From 1894 to 1904 he was president of the University of Illinois. His interest in Indian affairs dates back more than twenty-five years during which time he has taken an active part in the Lake Mohonk Conferences on that subject.

WARREN K. MOOREHEAD, Andover, Mass., has been a member of the Board since 1908. He is 46 years of age and is head curator of the department of archaeology of Phillip's Academy. Since his college days he has been a student of Indian matters, having undertaken, in addition to ethnological research, many investigations at his own expense. In 1909 he brought to the attention of the Indian Office the serious conditions on the White Earth Reservation and under temporary appointment from the Indian Office assisted in the investigation of those conditions.

SAMUEL A. ELIOT, D.D., 25 Beacon Street, Boston, Mass., was appointed to the Board in 1909. He is 50 years of age and is a son of the president emeritus of Harvard University. From 1889 to 1893 he was pastor of the Unity Church, Denver and from 1893 to 1898, minister of the Church of the Saviour, Brooklyn. In 1898 he became Secretary of the American Unitarian Association and in 1900 was elected its President which position he still holds.

(W.) FRANK KNOX, Manchester, N. H., was appointed to the Board May 2, 1911, being at that time editor of The Sault Ste. Marie (Mich.) News. He is now editor and proprietor of The Leader, Manchester, N. H.

EDWARD E. AYER, 1515 Railway Exchange Building, Chicago, was appointed to the Board November 18, 1912. He is 71 years of age

and has been a railroad contractor all his life but has practically retired from business and for the past twenty years has been engaged in historical research, the collection of libraries and such work as that of the Field Museum of which he was the first President and is still a director. He is a student of Indian affairs having collected <sup>and</sup> donated to the Newberry Library of Chicago, with a fund for its perpetual maintenance, a collection of over 30,000 works on Indian affairs at a cost of approximately half a million dollars. He also owns one of the finest private libraries in the United States.

WILLIAM H. KETCHAM, 1326 New York Avenue, Washington, D. C., was appointed to the Board December 3d., 1912. He is 44 years of age and since 1901 has been director of the Bureau of Catholic Indian Missions with headquarters in Washington. For about ten years he was stationed in Oklahoma as missionary first to the Creek and Cherokee Indians, and later to the full-blood Choctaws. Since 1891 he has been an ordained Roman Catholic Priest.

DANIEL SMILEY, Mohonk Lake, N. Y., was appointed to the Board December 17, 1912. He is a business man about 55 years of age and for about 20 years has been the manager and more recently co-proprietor of the Lake Mohonk estate of his late brother, Albert K. Smiley, upon whose death in December 1912, he became proprietor. For more than ten years he has shared with his brother the management and expense of the conferences on Indian affairs held annually at Mohonk Lake, and has now assumed full responsibility for their continuance.

President Vaux and Gentlemen of the Indian Commission:

At our meeting in Washington, early in November, 1913, it was stated that there had been certain complaints made in regard to the administration etc. of the Menominee Indian Reservation, and I was requested by you to make a personal investigation of it. Your request was very warmly seconded by Secretary of the Interior Lane and Indian Commissioner Sells.

It was getting late in the season; there had been no specific charges made, only that certain complaints had been made, so about the 18th of November I wrote to the Indian Agent stating that I contemplated looking over the reservation and asked him if he would not come to Chicago, thinking that I would like to have a talk with him. He replied to me that he had just been East; there were some imperative things that he had to attend to and that he would come to Chicago about the 1st of December, which was about ten or twelve days ahead.

Immediately after that I got a letter from Commissioner Sells, dated November 20th, stating that he had had an interview with a gentleman by the name of D. F. Tyrrell, who had made charges against the administration of the Indian Agent and his subordinates, and that he had requested the gentleman to put his charges in writing, which he did the same date. I hereby submit Mr. Sells' letter and the charges as made by Mr. Tyrrell as Exhibit 1.

Having something definite to go by I then wrote the Agent that I would arrive on the Reservation on November 28th.

I told Commissioner Sells in Washington that when I made this examination I would want him to send me one of the most reliable wood rangers that he had. I also brought to Chicago Mr. L. P. Holland, one of our leading superintendents from the South and a gentleman who had had more than twenty years' experience in logging etc; also made arrangements with our company to take Mr. Philip R. Smith, our Secretary & Treasurer, an expert bookkeeper and a man who had also had large experience going over our different cuttings for twenty years back once or twice a year; and also Mr. William Anderson, one of our best stenographers: my theory being that I wanted to have gentlemen of experience, absolutely unknown to the Reservation or what had ever been done there, to make the examinations for me.

Upon arriving at Shawano the morning of November 28th a gentleman introduced himself to me as Mr. Tyrrell, the gentleman who had made the charges on the Reservation. Commissioner Sells, in Exhibit 1, you will note had said he thought it would be well for me to give Mr. Tyrrell an interview. Under the conditions of Mr. Tyrrell's letter I concluded to do much more than that, that I wanted to give him every opportunity possible to substantiate these charges.

After arriving at Neopit and getting settled, meeting Mr. Nicholson and being introduced to some of his force who were there, we went over the mill property and into the yard and examined its condition, accompanied by Mr. Tyrrell and I would say eight or nine Indians, who were expected to produce evidence of mal-administration in the cutting, piling, and care taking etc. of the lumber and the conditions of the yard. We were also accompanied by the Indian Agent, the Foreman of the Yard, the Superintendent of the Mill, Mr. Holland and Mr. Smith.

In regard to the conditions of this mill, I want to exhibit the testimony of Mr. Holland, Exhibit 2, Mr. Smith, Exhibit 3, and Mr. Louis Kemnitz, a gentleman who was buying the elm logs and who had experience with most of the large yards in Wisconsin and Michigan, Exhibit 4.

I found that the yard had been formerly laid out largely over a deep slough, that they had driven piles in, forming foundations for the piles, in some cases 50-feet deep or more; that the trash of the mill had been used, as it is in all such places, to fill in this slough, and in several cases after being filled to the yard level had sunk 8 or 10 feet and sometimes more down into the water. I refer to the testimony of the yard foreman, Mr. Nelson, Exhibit 5, who has been in that capacity since the mill was located, during the administration preceding the present one.

I found that the waste in miscuts was not larger than usual in first class mills and the surroundings and the yard itself was in as good condition as could have been expected, the mill only having been shut down a short time; it being a well known fact that it is impossible to keep any yard clean when you are running night and day. It seems half of the mill was shut down November 1st, when they immediately commenced to clean up the yard, and the other half about the 12th, when they put still more men on the work of cleaning, according to the testimony of Mr. Bernard Nelson, Exhibit 5, Mr. Thomas Brickett, Exhibit 7, and Superintendent Adams, Exhibit 6.



Mr. Thomas Prickett, Exhibit 7, and Mr. Louis LaFrambois, Exhibit 8, were two of the particular men depended upon by Mr. Tyrrell to substantiate his charges, and so I told Mr. Tyrrell, after taking the testimony of these two men, that I would send him a copy of it. After Mr. Prickett's testimony was taken a copy was sent to Mr. Tyrrell; he corresponded with Mr. Prickett, who reported to him in Exhibit 7A, and you will notice Mr. Prickett claims he told me that the yard had not been cleaned in two years. Several days after that, December 17th, I again interviewed Mr. Prickett, Exhibit 7B, where he reiterates that the yard was cleaned properly. Thus in Exhibit 7 he said the yard was clean, in Exhibit 7A he said it had not been cleaned in two years and again several days later, Exhibit 7B, he testified again that it was clean. You can draw your own conclusions in regard to this gentleman's testimony.

The other Indian mentioned as one of Mr. Tyrrell's principal advisors was Mr. Louis LaFrambois, Exhibit 8. I probably talked with this man an hour altogether, and Exhibit 8 is a copy of the interview as taken down by the stenographer in answer to the questions asked only. It seems that Mr. LaFrambois thought I ought to have taken down all he said or thought of, as illustrated in his letter to Mr. Tyrrell, Exhibit 8A. You will notice he never thought of being an Engineer until answering my question "Well, did you ever quit a job because they would not make you an Engineer?"

In Mr. Prickett's second interview, Exhibit 7B, you will note what he says about LaFrambois raising the \$250.00 for Mr. Ballinger. I wrote a letter to LaFrambois asking if it was true: his answer is Exhibit 8B. You will note that he did not answer the question at all.

It was represented by the Indians accompanying Mr. Tyrrell that there had been a great deal of lumber badly sawed, etc. and wasted, and Mr. T. J. Turney, Exhibit 9, was presented to me in company with Mr. Tyrrell, as a witness to that effect. His testimony is Exhibit 9, where you will note he finds much fault with the Superintendent of the mill, with the machinery and methods, which is absolutely contradicted by the testimony of the LaPorte brothers, Exhibit 10, one of whom worked opposite Mr. Turney, using the same carriage half of each 24 hours, and also by Superintendent Adams, Exhibit 6.



The next morning, November 29th, 1913, I had Mr. Nicholson, the Indian Agent, place the logging engine and car at our disposal.

The party consisted of Mr. J. P. Kinney, Supervisor of Forests, the gentleman assigned me by Commissioner Sells from Washington; Mr. Philip B. Smith and Mr. L. P. Holland, the two gentlemen who accompanied me; Mr. Nicholson the Indian Agent; Mr. R. J. Brigham, Superintendent of Logging on the Reservation; Mr. Lincoln Crowell, Deputy Supervisor of Forests, resident at the Reservation; Attorney D. F. Tyrrell; and ten Indians. I had suggested to Mr. Tyrrell that I thought five Indians would be enough, but he wanted more and I finally told him to take whoever he chose.

I introduced Mr. Tyrrell to Mr. Holland, Mr. Smith, Mr. Kinney and others and told Mr. Nicholson I desired they should go and look at everything in the timber that Mr. Tyrrell suggested.

While the gentlemen were in the woods on the 29th I took the opportunity to try to post myself about different classes at Neepit and made the following interviews:

First, with Mr. Peter Lookaround, a very intelligent Indian and one of the two principal store-keepers there, which I present as Exhibit 13.

Next, with Mr. C. A. Turtalet, the other principal merchant of Neepit, which I present as Exhibit 14.

I next interviewed the policeman, Mr. Joe Gristo, Exhibit 15.

Next, Mr. Charles W. Chickeney, <u>Exhibit</u>	
<u>16.</u> Next, Mr. Frank Gauthier, <u>Exhibit</u>	<u>17.</u>
Mr. John Makatosh, <u>Exhibit</u>	<u>18.</u>
Mr. Hese Tucker, <u>Exhibit</u>	<u>19.</u>
Mr. Simon Beauprey, <u>Exhibit</u>	<u>20.</u>
Mr. George McGill, <u>Exhibit</u>	<u>21.</u>
Mr. Peter Lemotte, <u>Exhibit</u>	<u>22.</u>
Mr. Sykeskeit, <u>Exhibit</u>	<u>23.</u>
Mr. Shaw, Freshett, <u>Exhibit</u>	<u>24.</u>
Mr. Louis Oshkenaniew, <u>Exhibit</u>	<u>24A..</u>

In Exhibit 25 I present the testimony of Mr. Mitchell Oshkenaniew. You will see from the last part of his interview that he wants an attorney. That testimony was taken November 30th.

Exhibit 26 is a letter of December 3d from the same Mitchell Oshkenaniew, after a quarrel with Mr. Tyrrell.

I also present a letter from Mr. Nicholson, Exhibit 26A, dated December 4th, stating that Mr. Oshkenaniew

had been to his house and the way he treated the matter.

You will notice in the post-script of Mr. Nicholson's letter, Exhibit 25B, a reference to poor LaFrambois, who raised the \$250.00 which was sent to Mr. Ballinger, begging not to have deductions made in the little money coming to him, as he had a sick child.

In regard to the conditions in the woods, I desire first to present a summary of Mr. J. P. Kinney's detailed report, which is Exhibit 11; and another supplementary report of December 16th, Exhibit 11A, and a very able report itself, Exhibit 11B. I want to call attention to the fact that the 250,000 feet of hemlock mentioned in the last paragraph of Mr. Kinney's summary, Exhibit 11A, is the same as mentioned in the 3d paragraph, starting "For instance," on page 9 of Exhibit 11B.

I also present my wood superintendent, Mr. L. P. Holland's report, Exhibit 2, and Mr. Philip R. Smith's report, Exhibit 3.

On our third day there, the 30th of November, the whole party went into the woods again, starting at 7 o'clock in the morning and worked all that day. As all the lumber under investigation was that cut for three years, and it being very important that Mr. Holland and Mr. Smith should be attending to their duties, I sent them home that night, the 30th; and Mr. Kinney took the same party (except these two men and Mr. Nicholson) and went through another day, giving three days with the logging engine, and I think made a very careful and lengthy exhibit, which is fully set forth in the reports mentioned above.

Mr. Brigham and Mr. Crowell, Exhibits 12 and 12A, under instructions from Mr. Nicholson, immediately after this went over every part of past operations on the line of our railroad, skirted logging districts of '10, 11 and 12 and this past year, with instructions to scale everything merchantable, locate the 40s same were on and whether same could come to mill or not. Note of such instructions will be found in Mr. Nicholson's report, Exhibit 29B.

I have every day's work and the individual scaling of every log on file in my office, but send you the sworn summary of Mr. Brigham and Mr. Crowell, Exhibit 12, which shows a total measurement of 94,770 feet log scale. They estimate

that there was 33,250 feet not accessible, or probability of logging at least doubtful, and that there was 61,520 feet accessible to present year's operation. This is what was left of 95,000,000 feet of logging, about 300 logs or perhaps a 30th part of 1% left; and if they were sawed into lumber they would all go on two ordinary carloads of lumber. I hand you the sworn statement of Mr. Brigham and Mr. Crowell, as Exhibit 12.

In the interview with Mr. Brigham and Mr. Crowell, Exhibit 12A, you will notice that they both think that 30% of the 33,000 feet can be got to the mill, and if so it would leave not more than a carload and a half of sawed lumber.

In connection with the logging question I want to call your attention to paragraph 6 of Mr. Kinney's report, Exhibit 11, where he says, "It must be admitted that Mr. C. H. Woodcock, the Superintendent of Logging, worked with tremendous energy and that whatever his faults and mistakes may have been, he succeeded in bringing the logs from the Evergreen district to the Menominee Mills at Neopit at an exceptionally low figure. The cost of logs in the pond at Neopit cut during the year 1910 to 1912 inclusive, in the Evergreen District, was from \$1.00 to \$2.00 less than the cost of logs under similar conditions at other mills in Wisconsin." That is, on nearly all the lumber in those years coming to this point there was a saving of at least fifty or sixty thousand dollars on this item alone.

I desire to call especial attention to paragraph nine of Exhibit 11, where Mr. Kinney treats particularly of the loss on the pine timber, and he estimates that by being left as long as it was the depreciation on this pine could not have amounted to more than 10%, which amounted to \$40.00. He says, "Is not this a mere bagatelle compared with the loss of time and cash which have been expended by the Indians in an unwise and misdirected attempt to make the little hill of non-feasance appear a mountain of mal-feasance?"

And in that connection; this agitation has been going on nearly a year; the Indians have been called to Shawano several times, railroad fare being 80 cents each time; they have paid the expenses of Mr. Tyrrell to Washington; they have been out of work for days and days; we have taken the time of the engine and crew for four or five days; the Government has sent its expert to help; I have brought our superintendent from Kentucky, our Secretary & Treasurer, and my stenographer to Neopit; made two trips up there myself; have worked with my stenographer what time he could get from his other duties for nearly a month on this report;- and the outcome of it all is,

according to the sworn testimony and reports of the Government's own men, and my men, that there has been in the neighborhood of two carloads of lumber left in 95,000,000, and that Mr. Woodcock, whom they have traduced most unmercifully, has saved the plant - consequently the Indians- many thousands of dollars, by good work.

I report a conversation had with Mr. D. F. Tyrrell, attorney, after my return from the first trip to Neopit, which I hope everybody that it comes before will read, because it is certainly interesting. This is Exhibit 26.

I said to Mr. Tyrrell at Neopit that the Indians were in an excited condition, that it was much to their injury and that he was the one that could quiet it, meaning that he was, absolutely, the man who had brought about that condition.

You can get an idea from this interview, Exhibit 26, as to what the gentleman wants, and how they want to earn it. As it seems, they consider it their duty to collect a million dollars from the Government for mal-administration on the Indian Reservation; then they want to collect a large amount from the Government and the Stockbridge Indians.

I did not have any data in regard to all the claims they had made to the Indians, so I wrote Mr. Nicholson January 2, asking if he could give me any data on the subject, and I have his letter of January 3d, marked Exhibit 290, giving a list of eight or nine different things they think they can do, and something in regard to the methods they have used.

I cannot help but feel that if there had been a hundred times the loss in money to the Menominee Indian tribe, it would not have compared with the damage done by these outsiders, and the few Indians they could control inside, to the tribe.

All these men insisted to me, including Mr. Tyrrell, that the plant was losing money. I tried to impress upon them that I had got the statements from the Treasury Department, also from the plant. It was impossible to make them believe that they were not fraudulent, that everybody was not lying to them, and I feel now that perhaps it would

would have been better if I had simply given Mr. Tyrrell an interview, as Mr. Sells suggested, and that I had insisted that it be outside of the Reservation. The four or five days he was there there was a constant turmoil among the Indians, a consultation every night, and taking the Indians into the woods and all that, I feel it was a great damage to the tribe to have permitted it.

In speaking of the expense that we have all been to in this matter it is also a matter of proof, according to the testimony of Mr. Prickett, Exhibit 7B, Mr. LaFrambois, Exhibit 8B, and Mr. Tyrrell himself, Exhibit 26, that there has been \$250.00 sent to Mr. Ballinger, \$125.00 raised to pay Mr. Tyrrell's expenses to Washington, and the money that Mr. Tyrrell says he was responsible for himself, \$200.00, was borrowed from a part blood not belonging to the tribe; making \$575.00 in all.

The whole proposition has been a wretched one. In fact, there is being a tremendous effort here to make bricks without straw; and it does seem to me that the present agitation and charges is a poor return for the efforts made to run a saw mill successfully and do it with nearly 50% of labor that can come when they please and go when they please. The whole testimony of all thinking people about the institution is that the building of the mill has been a great benefit to the Indians. I think both the Catholic Missionaries feel that way, and everybody who knows anything of the former conditions there. It certainly has been.

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In my second visit to the Menominee Reservation I had an interview with Mrs. Myrtle W. Marble, Field Matron at the Mission of Keshena, which speaks for itself. This is Exhibit 28. I think you will all agree with me that her recommendations are very practical.

On this second visit to the reservation, I spent the first afternoon and the next forenoon visiting the homes of the Indians of the village and surrounding country. I was very much pleased with



the cleanliness of the Indians and I want to express in the highest terms the benefits that the Catholic Missions have been to the Indians on the Menominee Reservation. It is pronounced in every way. They are soberer, cleaner and better people.

I went over the hospital at Keshena and found it comfortable, clean and well organized.

I also went into the homes of a large number of Pagan Indians, where I found a good many charming personalities. I didn't, in fact, see but two that were particularly and grossly offensive, and they were two families of very dissipated Indians. All in all I found the Indian condition, from the two intelligent, live merchants already mentioned in Neopit, to all of those except the two mentioned that I saw in the Pagan houses, living comparatively comfortably.

But the system of dealing with the older Indians on this Reservation is not fair. They have a large amount of property, say in the neighborhood of ten millions, that belong to the tribe. It is so well invested in timber and land that it is going to be a perpetual inheritance. There ought to be some better way of taking care of the old people, letting them enjoy their full share to a greater extent.

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I have already taken up with the State government of Wisconsin, asking them to establish one of their travelling libraries at Neopit, and will also ask them to do the same at Keshena.

I make the following recommendations that it seems to me ought to be carried out:

1- The plant is tremendously handicapped in only having a cheap railroad with small supply of cars etc. to ship its product. I recommend that arrangements be made to allow the Chicago & North-Western Railroad to come in from the south under a contract satisfactory to the Department. I use the term "from the south" from the fact that they are nearer the reservation from the west but that would add 50 or 60 miles to every car that went out of the plant routed for the south.

2- I recommend that the Reservation be cruised, that there be a report made showing the approximate amount and class of timber on every section of the reservation. Some people say there are two billion, some say one and some one and a half billion. I think the Department ought to know positively, for their future guidance, what is on the Reservation and also the same investigation should classify the lands for agricultural purposes.

3- In my judgment it would be safe and proper to allow each Indian on the Reservation \$500.00 in money; this money to be placed to the credit of each Indian and to be used for their benefit on the recommendation of the Agent and under the control of the Agent wherever there is any danger of anybody using the money unwisely. Bill H.R. 10832, introduced by Mr. Stephens of Texas, December 17, 1913, would seem to give authority to carry out this recommendation, as well as the next one in regard to advances for farming.

4- I recommend that farms be allotted to Indians wishing to become farmers, the grant of the Government to be so framed as to preclude alienation within a period of 50 years from the date of grant; the land not to be subject to lien or incumbrance of any kind; the land to be granted for farming purposes exclusively.

I recommend that in addition to the \$500.00 that each Indian gets in the above mentioned allotment three or four hundred dollars more be given to any Indian who takes up a farm, to be charged to his individual account as against the balance of money in the treasury belonging to him, and that this amount be used solely and fully for the purpose of helping to put buildings, stock, etc. on his farm. It is utterly impractical to undertake or expect these Indians to clear up a farm and get it going without help, and in my judgment the future prosperity of these Indians depends on their being taught farming.

5- I recommend that two, four or six of the brightest young Indians on the Reservation be sent to Wisconsin State College of Agriculture at Madison to take a full course in Forestry and Scientific Farming, that they may come back to the Reservation equipped to teach the Indians who have elected to make farms.

To show the importance of this I will state that in the State of Illinois each county has a

man whose sole duty it is to go down amongst the farmers, rich and poor, and teach them about the best kind of stock, how to treat it, analyze their land, confer with them about the best sort of crops and how to fertilize for it. If it is important in the State of Illinois, amongst the rich farmers, you can see how it would apply amongst Indians just starting.

6- I found the most astonishing system of selling this lumber in force by the orders of the Department, at the mills. Under the system now in vogue it is possible to do only very little with the big concerns that expect to make at least \$2.00 a thousand on every stick they buy in that way. This could be entirely saved, making a difference of from 40 to 60 thousand dollars a year to the mills, by employing a bright salesman, say at \$2,000 a year and expenses, to travel amongst the lumber yards in the small towns that are tributary to this plant in Southern Wisconsin, Illinois, Indiana and Iowa, and sell this lumber.

It seems to me that rules might be arranged having each check drawn to the Government etc. and make this safe. Bradstreet's could be taken to find the leading lumbermen in each town, those that are abundantly safe - and nearly all of them are rich - so that you would lose but a very small amount, if any. To illustrate this, I know of three, four or five lumber yards in the immediate vicinity of my country home in Wisconsin that I would guarantee all they bought, if it was the entire cut of the plant, for 10 cents a yard.

7- In the many thousand acres of land on this reservation there is an enormous amount of food for cows and young stock growing and going to waste every year. I think the reservation should be investigated with the view of starting a trial herd there of a thousand head of cows, to be herded by Indians with their ponies and to be allowed to increase to the full extent, that hay could be cut in certain protected districts to get them through the winter. There is certainly enough food there for nine months of the year for several thousand head, and at the price that cattle are now and always will be there will be a large profit in turning off the two and three year old stews each Fall to be sent down, if not fat enough for beef, for feeders. It seems too bad, in the present condition of the meat supply of our country, that enormous districts like this should be allowed to go to waste.

8- I recommend that there be a Department connected with the school in Keshena, and another in the school at Neopit, teaching girls how to do house-work, sewing, etc; and a manual training school for boys, to teach them how to use their hands.

9- I would also recommend that there be a company or tribal store at Neopit and a branch one at Keshena and that the goods shall be sold say on a basis of 12½ or 15%, which would make the stores absolutely self-sustaining and the Indians would get the necessities of life much cheaper. These stores should also carry a stock of the ordinary agricultural tools that might be used and there should also be a bank, say with forty or fifty thousand dollars' capital connected with the Neopit store, where the employees of the mill could get checks cashed.

Now, if they want to buy anything extraordinary, an agricultural tool or any other thing, or cash their check, they have got to go twenty miles away to Shawano for the purpose, and they are subjected to all the temptations of the outside towns. I think everything ought to be supplied to the Indians on the Reservation so that they would have as little necessity of leaving it as possible.

I know of no settlement in the country of seventeen or eighteen hundred Indians, beside 200 or 300 whites, that has not banking facilities. Each employe of the plant has to suffer an exchange for getting his check cashed.

I should not think of starting a store without purchasing the property of Mr. Lookaround and Mr. Turtelet and trying to get them to run it for the benefit of the Agency and under the directions of the Indian Agent.

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I purposely refrained from having any conversation with Mr. Nicholson about the conditions at the plant, until I had examined the conditions there, taken all the testimony but one or two pieces and got the reports from our men in the woods, etc. I then wrote him a series of questions covering general conditions there, and these questions and his replies I submit as Exhibit 29, and I want to say that there have been some grave charges proffered against the management of this mill and it is no more than justice to Mr. Nicholson that every officer of the Department that this report is referred to should read his defense and his illustration of conditions there.

On December 4th I wrote Mr. Nicholson in regard to railroad rates and the railroad conditions there, to which he answered fully on December 8th, Exhibit 29A. This is a very important question and his views on the subject are certainly practical and worthy of consideration.

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To sum up my impressions on the conditions that the Government has placed over the logging, milling and disposing of the lumber:

I don't think I have thought of it since I first went to the Reservation that my mind did not revert to making bricks without straw. I think the Government has done a very wise thing in having this mill built; I think it has been of tremendous benefit to the Indians, and the reports show that it has made \$444,000.00 in the last two years, including the value of the stumpage.

It seems mighty good work to me that it could be done, when half of the labor employed was compulsory practically; that a person could leave his work at any time without notice, stay away as long as he had a mine to, come back when he chose and still get a job; after the lumber was made that it was sold under such conditions. I feel very sure that the mill, outside of the lumber they have sold in the pine and lumber logs in the woods, in other words every stick of lumber that they sold they got at least \$2.00 a thousand less than they could have got had it been sold in the usual way.

The United States Government army can't buy that lumber, because they have got to ask for bids; the lumber can't be sold, because they can't sell without asking for bids. It seems ridiculous.

The employment of the Indian part can't be helped, and nobody would want to help it if they could, because the prime idea in establishing the plant - and it was a wise one - was to teach these Indians to work, and it is certainly doing it.

The conditions that I found in regard to outside influences was appalling. That any intelligent man would write such a letter as Mr. Tyrrell did to Commission Sells, based on the say so of four or five, six or eight discredited men, in a way (it seems most of these men had been tried and



found wanting) is beyond my comprehension.

The reports of your very able wood ranger, Mr. Kinney, and the other wood ranger, Mr. Crowell, both Government employes, and the reports of Mr. Holland and Mr. Smith; in fact, everything on the place, the cleanliness of the yard, the cleanliness of the Supply Department, the cleanliness of the towns, showed the untruth of the charges.

And then that men should absolutely deny statements of the prosperity of the plant, the books in Washington showing that the funds had been increased largely in the past two years, and still go up and down the Reservation claiming that it was not true, that the mill was losing money. Look at the testimony of the splendid Wyeskesit, Exhibit 23. He knew they were not making any money because where was it? He knew the mill had been losing money, because they didn't get it, - he had been told so.

A man must be in desperate straits who will conduct himself in any investigation the way Mr. Tyrrell did in his talk to and before the Indians on all occasions, as testified to by the gentlemen in the logging party. Then I feel mortified that a man would come to me and ask me if I would approve of an attorney to stand between such men and the Government agent and the United States government.

Of course, the whole motive of going into the woods nearly a year ago, stirring up these disaffected Indians, is the same one that has been at the bottom of every attack on Indian property, - the desire and hope of getting some of it.

I don't think that Mr. Tyrrell, the attorney, is a dishonest man, but I feel that he is far, far away from a wise one; and I feel that it would be a calamity to have any attorney appointed for the Menominee Reservation for the purposes that Mr. Tyrrell outlined to me in his interview, Exhibit 26, and that Prickett and Oshkenaniew (Exhibits 7B and 25, respectively) testified they went an attorney for, to protect them from the Agent. I have understood it was against the law to go on to the Reservation for any such purposes as Mr. Tyrrell was there. Unfortunately for the Indian, and I think for the investigation, his time was industriously employed in the three or four days he was there while the investigation was going on.

MEMORANDUM

FOR

MEMBERS OF THE BOARD OF INDIAN COMMISSIONERS

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This is to advise you briefly of the Comptroller's decision affecting the traveling expenses of your Secretary. At a later date I will send each member of the Board a copy of the decision with all papers relating thereto, after I have had time to present the matter in detail to Commissioners Vaux and Dockweiler, the special committee of the Board appointed to handle the question of disallowed and suspended accounts.

The main points of the Comptroller's decision may be stated briefly, as follows:-

1st: It rejects the contention of the Auditor, namely:- That there is no authority of law for the traveling expenses of the Board's Secretary on official business of the Board and specifically holds that the travel of the former Secretaries, including that of Mr. H. A. Phillips to Fort Bill, Oklahoma, was proper. This holding I regard as a substantial victory for the Board in its appeal.

2nd: It holds that the Board cannot delegate its advisory functions to its Secretary and that the inspection of samples and supplies at warehouses must be made by members of the Board personally; the right to employ assistance, however, is reserved to them. This holding is in line with exactly what was done at the San Francisco letting where the official inspection was made by Commissioner Dockweiler with my assistance.

3rd: It holds that the Board's Secretary must repay to the Treasury all sums expended by him for traveling and other expenses from Washington to San Francisco and return, alleging that I had no proper authority or orders which I was "bound to obey" directing me to go to San Francisco to attend the letting.

This point I will not take the time here to discuss. It will be fully covered in the papers to be sent later. I will take only time to say that I am pleased with the general effect of the decision and that I have not the slightest doubt that ultimately the payment of my expenses will be allowed, either through a revision of the Comptroller's decision, or by Congress when there is opportunity for a full and fair hearing which I intend to obtain somewhere. The fact that the Comptroller's decision contains substantial misrepresentations of every material issue in the case, makes me absolutely confident of final success.

F. B. Abbott, Secretary -

MEMORANDA PREPARED BY MR. M. FRIEDMAN.

These and many more facts are available in the court record,

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Important points brought out in the trial of Moses Friedman in the Federal Court of the Middle District of Pennsylvania, at Williamsport, presided over by United States Judge Witmer, at which Friedman was acquitted unanimously on the first ballot by the jury, after being out but a few minutes, and the verdict of which was termed by the Judge, in dismissing the jury, "a righteous verdict."

That the indictment and prosecution of Friedman was undertaken by the Department of Justice against the advice of the U. S. District Attorney (Burnett) who had informed the Washington authorities that there were no grounds for the prosecution of Friedman and he desired to be relieved of any connection with the case. The Department of Justice said in its response that the prosecution was merely had to please the Indian Office and because Messrs Sells, Indian Commissioner, and E. B. Linnen had persistently pressed the issue, and as a matter of "departmental courtesy."

The Department of Justice designated Assistant U.S. Attorney McCourt to prosecute the case and he was assisted by an attorney from the Department of Justice, and E. B. Linnen, who had worked up the case and pressed it from the beginning. McCourt had studied the case and been in intimate touch with it for a year and three months and was personally

familiar with every detail.

The indictments against Friedman were secured a year after all the evidence was in the possession of Linnen and the authorities, and at a closed meeting of the Federal Grand Jury, without Friedman first being arrested and being given an opportunity to face his accusers and be represented by counsel. This indictment was not secured until Friedman had filed and published serious charges against Linnen with the President in July of 1914. These latter charges have never been investigated.

The man who confessed to the embezzlement and destruction of papers was the chief clerk, S. J. Nori, who Friedman immediately had arrested in March, 1914, on learning of his shortage and confession. Although held by the local magistrate at Carlisle it was impossible for Friedman to prosecute Nori because Linnen forbade government employees on threat of dismissal to testify. Linnen obtained bail for Nori. Linnen and Sells kept Nori in his office as chief clerk from the time of his arrest, in the middle of March until April 1st, where he had access to and could and did destroy and alter official papers to cover his guilt, and in an effort to involve Friedman.

At the trial of Friedman Nori said he committed embezzlement and destroyed papers at Friedman's direction although failing to say he had given Friedman any money. The receipts forming the charge of embezzlement of Nori



and Friedman were receipts given and signed by Nori and in no way involving Friedman and the Judge elicited from Nori the statement that if Friedman had wished to destroy the receipts he had access to them and could easily have done it himself. It was shown that Nori did not destroy the receipts until two months after the investigation of Friedman was completed and an investigation of Nori's own accounts was begun. It was brought out that Nori was of loose moral character, was not living with his wife or supporting his children, had just spent three months in jail for failure and refusal to support, was at the time of the trial living with a loose woman of the town, had been extravagant and was living beyond his means, had ordered an automobile, and cancelled the order when Friedman began checking him personally and through other clerks more than two years before Nori's arrest. Nori was thoroughly discredited on the witness stand.

Inspector Limmen was shown to have protected Nori, to have kept him in office for two weeks after his arrest, to have gotten bail for Nori, to have been closeted in a private room with Nori at the time of his investigation of Nori in March, 1914, for two hours, after which he emerged and had a stenographer take the testimony. That he helped Nori fix up his statement, and encouraged Nori to involve Friedman with offers of protection and immunity if Nori would help him "put it over on Friedman." That when the



stenographer took the testimony Linnen would have the stenographer exclude it if it was in Friedman's favor and not to Linnen's liking. That previous to this private talk with Linnen Nori had never mentioned Friedman's name in connection with his speculations and had said to a number of persons, who so testified, that he would involve Miller from whom he received the money and from whom he stole the receipts. It was brought out that Linnen offered and obtained raises in salary to government employees to encourage<sup>their</sup> hostility to Friedman; and persecuted, sought to remove, and did remove others who had the courage to and did testify to the truth.

A flagrant case of this kind was his persecution of Miss B. Herman, a clerk in the Agricultural Department who acted as his stenographer, because she testified against Nori. Miss Herman was entirely exonerated by Secretary of Agriculture Houston, but hounded and persecuted by Linnen, with charges proven false.

It was shown that Linnen charged the government large per diem while living at the school, an amount far in excess of his expenses. That he was vindictive against Friedman because the latter filed charges against him, that he and Sells were personally responsible for the persecution of Friedman, that he was guilty of subornation of perjury in his relations with Nori, and guilty of the serious crime as a government inspector of protecting a self-confessed embezzler and a dangerous crook. That, as an inspector, he

was discourteous and cruel to Superintendent Friedman, bent on besmirching his character and guilty of serious breeches of the regulations in his isolation of Friedman, in his defamation of the latter's character, and his usurpation of authority, illegally, while Friedman was still responsible under his bond.

The trial lasted four days and not a fact or circumstance detrimental to Friedman's character was presented.

The Judge sent Nori to the penitentiary for one year and three months.

The Judge congratulated the jury on its "righteous verdict" in acquitting Friedman.

Sufficient facts were presented to warrant the prosecution of Linnen for subornation of perjury in his relations with Nori.

Having crossed the plains in an emigrant outfit in 1860, coming in contact with many tribes of Indians, some of them hostile, and having served during the last half of 1861 in Southern California, all of 1862, 1863 and up to June 1864 fighting Indians in Arizona and New Mexico, and having seen more or less of them nearly every year since, and collected a great library on the subject, and served on the Indian Commission for several years, I have come to the following conclusions of what should have been done or started sixty years ago, and what would be very easy to do now:

First, there has always been a first class foundation amongst the Indians to build upon; first, great powers of endurance; second, proud of being trusted; third truthful and brave. He becomes easily and greatly attached to one who treats him right. As to his endurance, whenever on scout duty in old times in the west, he often would run day after day distances that would stagger one (Ask General Wood and General Hugh Scott).

Second, there is scarcely a record of an Indian not being true to any duty entrusted to him while he is under agreement or pay. Nearly all the Indian scouts who ran down Geronimo were from his tribe, and they were as true as steel while engaged. The same men might go out on a raid after being released from their enlistment.

In my judgment, if our government had commenced fifty years ago to enlist cavalry regiments of Indians, allowed them to bring their families in the neighborhood of the big posts, given them good horses, a bridle and saddle with a good supply of German silver ornaments on them, and a uniform with considerable color, and had ten regiments of these troops, paying them the same wages they did the white, I feel sure that these ten regiments would have kept our western Indians under control, and at ten per cent of what it has already cost us.

There has been a great improvement all along the line in the Indians' condition, commencing since they have practically been confined on reservations, the Navajos for instance. I was connected with the department which whipped them in 1863, and they were moved down on the Pecos River at Bosque Nadando, about 600 miles from their reservation, about 10,000 of them. They were returned to their old ground and helped, and today there are 30,000 of them, and in sheep, cattle, blankets, etc. are a very rich tribe. All the wild Apache Tribes are now on reservations and doing well. The government has established schools everywhere, where for several years many of the young men have been drilled in the manual of arms and marching, and the girls trained in household duties, cooking, etc. and I feel sure there could be enrolled several regiments of very, very fine soldiers, and it would enormously relieve the situation on the reservations by giving the returned students something to do, lack of which has been one of the hardest questions in connection with the Indian question.

This enlisting of Indians is no new question. During our Civil War there were a good many companies of Indians mixed with white soldiers. The Menominee Tribe of Wisconsin alone gave several companies to their country, enough at least to still keep

up a Grand Army Post on their reservation exclusively of Indians. Last year as one of the Indian Commissioners I recommended to Secretary of Interior Franklin K. Lane that each prominent Indian School should be provided with a rifle range, that if the government ever wanted them as soldiers they should know how to shoot. I feel sure that our government now could get ten regiments of unique soldiers (especially for our Mexican border) in a very short time, and that number could be kept up for an indefinite period. Pay them the same wages. Have all non-commissioned officers Indians. The schools have turned out hundreds perfectly capable for the positions, and you would soon see that many could be promoted to Lieutenants whose bravery and general character the white officers would be proud of.

I made a recommendation as Indian Commissioner on February 7th substantially on these lines to Secretary Lane, ending up by stating:

"If you get authority to do this, two commissions of three men each made up out of the Indian service, taking such men as Mr. Thackery of the Pima Reservation, Mr. Peterson of the White Mountain, Mr. Odle of the Yuma, Mr. Conser of the Sherman School and Dr. Breid of Lapwai, and you have a hundred just such splendid men to choose from to get your two commissions from. I feel sure that by visiting the different Indian Reservations these men could get the required number as first class men in a very short time."



COPY

of

RESOLUTION OF OSAGE TRIBAL COUNCIL.

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Whereas the so-called Foster lease now owned by the Indian Territory Illuminating Oil Company and its sublessees, covering 860,000 acres in the Osage Reservation, Oklahoma, will expire on the 16th day of March, 1916;

Now, therefore, be it resolved by the Osage Tribal Council now in session at Washington, D. C., this 17th day of June, 1915, that the following recommendations be, and are hereby, made to the Secretary of the Interior in connection with the leasing of said lands:

1. That the Congress of the United States be asked to extend the trust period which under existing law will expire on April 8, 1931;
2. In all oil leases provision shall be made for the Government to have the option to purchase the oil, or any part thereof, at the highest posted market price on the date of sale;
3. The Indian Territory Illuminating Oil Company shall be eliminated as an intermediary;
4. Oil and gas rights shall be leased separately and oil leases shall be made for a term of five years from date of approval by the Secretary of the Interior and as much longer thereafter as oil is found in paying quantities, but the term of leases shall not extend beyond the time the title to the minerals remain in the Osage Tribe;
5. Oil leases shall be made direct to the present sublessees covering their present holdings in quarter section units not exceeding 4,800 acres each in the aggregate, except such quarter section units the producing wells of which are capable of averaging twenty-five or more barrels per day on July 1st, 1915, which units shall be retained by the tribe and offered for lease at public auction to the highest bidder, subject to the approval and of and under the rules and regulations as the Secretary of the Interior may prescribe; the average daily production to be ascertained under the direction of the Secretary of the Interior;
6. The rate of royalty on oil to be  $1/8$ , except where the average daily production of producing wells on any quarter section unit shall equal or exceed 100 barrels for calendar month periods, the royalty on such wells to be  $1/5$ ;



7. Oil lessees shall within twelve months after the approval of a lease by the Secretary of the Interior drill a well on each nonproducing quarter section unit or pay in lieu thereof a rental of one dollar per acre per year;

8. All producing lands not leased to present lessees shall be offered for lease to highest bidders upon the expiration of present leases and under such rules and regulations as may be prescribed by the Secretary of the Interior;

9. Gas leases shall be made by the Tribal Council to the present gas lessees covering all or part of their present holdings and for such periods as the Secretary of the Interior may determine; provided, that applications made prior to this date for leases of gas may be granted in the discretion of the Secretary of the Interior;

10. The royalty on gas shall be 1/8, and all contracts for the sale or use of gas shall be subject to the approval of the Secretary of the Interior. Such contracts shall be transmitted to the Superintendent of the Osage Agency, who shall forward same without recommendation to the Secretary of the Interior, through the Commissioner of Indian Affairs. Before any contract is approved, the Superintendent shall be notified of the terms which the Secretary will approve and the Superintendent will thereupon notify the Principal Chief, who will then convene the Tribal Council and inform the members of the terms of the proposed contract. The Council may within ten days from the receipt of such notice by the Superintendent communicate to the Secretary, through the Superintendent and the Commissioner, their views with reference to the said contract;

11. The present sub-lessees will be notified of the terms upon which new leases may be made, and they shall file with the Superintendent not later than August 1st, 1918, their acceptance. Should any sub-lessee neglect or decline to file his acceptance on or before August 1st, 1918, all lands he might acquire under new leases shall, on the expiration of the present lease, be offered to the highest bidder in the discretion of and subject to the approval of the Secretary of the Interior.

The above plan provided for new oil leases to the present sub-lessees covering an aggregate area of about 70,000 acres of producing territory and approximately 185,00 acres of nonproducing territory, the latter being subject to a rental of one dollar per acre per annum in lieu of development.

Such quarter section units as are capable of an average daily well production of 25 barrels or more, together with about 16,000 acres of additional producing territory, shall be leased at public auction to the highest bidder, under such rules and regulations as the Secretary of the Interior may prescribe.

The remaining 430,000 acres of nonproducing territory shall be leased at such times and under such rules and regulations as the Secretary of the Interior may prescribe.

G. R. Pettit  
Secretary.

A she kah hre  
Principal Chief.

Arthur Bonnicastle  
Interpreter.

Perry King  
Assistant chief.

#### Members of Council

E ron Kah shin Kah  
Edgar McCarthy  
Andrew Bighorse  
Peter C. Bigheart

Clement Denoya  
Franklin Show  
George Alberty

#### Witness to signatures.

Franklin K. Lane  
Cato Sells  
J. Geo Wright  
W. A. Williams

Approved

Franklin K. Lane  
Secretary of  
the Interior.

ORIGINAL

STATEMENT OF SAM PYWAUKKEE, QUESTIONED BY H. P. MARBLE,  
ASSISTANT SUPERINTENDENT, THROUGH JOHN F. WAUKECHON,  
INTERPRETER.

Mr. Marble - (Explains) Board of Indian Commissioners have sent out for information in regard to Indians desiring employment of an Attorney.

Q. He knows this man, Tyrell, does he? Ever met him?

A. The man from Gillett?

Q. Yes, I guess that is the man.

A. Yes, he says, the man from Gillett was here last Spring and went through the Reservation.

Q. What did he claim he would be able to do for the Indians?

A. He says that he went over the logging, here; that is the Menominee Reservation.

Q. And what about it?

A. He said the Menominees had asked him to go over the logging on the Menominee Reservation.

Q. Did he say WHAT Menominees asked him to?

A. He says he knows of three. He says he don't think anybody can say - it was the whole tribe.

Q. After looking over the logging, what did he offer to do for the tribe?

A. Well, he says, he took note of everything. He seen what was wasted in the line of timber and made his report to Washington.

Q. What payment was made to him for this service?

A. He did get something. No man will work for nothing. He expects to get something for his meals anyway.

Q. How much?

A. They had paid him \$500.00 in cash.

Q. Is that for work he has done already, or is going to do for them?

A. He says they gave this \$500.00 when he left for Washington. That money was to be used in Washington, while he was

A.(Cont.) there.

Q. What were they to pay him in addition for his services?

A. He says, I don't know and I don't think the lawyer knows what he is going to get. Of course, a man when through working knows what he gets.

Q. Did he enter into contract with them for what he was to get?

A. He did not enter into contract with them. The lawyer said if he accomplished anything at Washington they could pay him.

Q. Does he know who paid the \$500.00?

A. The money was borrowed and is to be paid from the tribal funds.

Q. Who borrowed it, does he know?

A. Well, he says, no particular one borrowed the money, but, says the men then there at the meeting, and they got \$250.00 from Louis La Frombois.

2/  
Q. Who else did they get some from?

A. He says that the other \$250.00 was furnished by a white man living at Neopit. He gave it to the lawyer when he left, and that was paid back by the tribe.

Q. Of what white man?

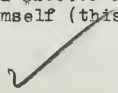
A. He says, Joe Gristoe's father-in-law.


Q. Does he know what his name is? I would know it if I heard it.

A. De Rosier. He says, that man was discharged at Neopit just on that account.


Q. Was there any other man gave to him, that he knows?

A. De Rosier furnished \$200.00 and the other \$50.00 was furnished by himself (this man here, Sam Pywaukee).



- Q. What papers did he get to show that he loaned the money?
- A. (Produces paper, hands it to Mr. Marble, who reads it)  
"Keshena, Wis.; Nov. 10th, 1913.  
"This is to certify that we have received \$50.00  
from Sam Pywankee, the same to be used to hire D. F.  
Tyrell, Attorney at Law, in behalf of the Menominee  
Tribe, to conduct the investigation of affairs at  
Neopit in the near future."  
"(Signed) Louis La Frombois,  
" " Joe Longley,  
" " Tom Prickett."
- Q. Does he know just what is on that paper?
- A. No, he says he only loaned the money and he is to get it  
back.
- Q. Did he look at that paper? That paper does not say  
they will pay back anything; just simply acknowledges  
receipt of the money. I am just telling him that for  
his own information. No difference, of course, if he  
wants it to go that way.
- \* \* \* \* \*
- Q. Was it the general understanding that money is wasted  
among Indians - was that the general understanding at  
Neopit?
- A. Yes.
- Q. Did Mr. Tyrell say that was the case after he had  
investigated?
- A. Yes sir, he did.
- Q. Did he say he would be able to secure a change, so they  
would not lose money?
- A. Yes sir.
- Q. Did he say that he would be able to secure annuity payments  
for them?
- A. Yes.
- 



- 3/
- Q. How much did he say he would secure for them this year?
- A. He says he might be able to get \$20.00 during the month of January and \$40.00 in the Spring. ~~THIS PART WAS TOLD ME BY TOM PRICKETT.~~
- Q. And what in the future, any more after that?
- A. That he does not know. Only for one year.
- Q. Did he say anything about the Stockbridge claim, over here - the two-mile strip?
- A. That he does not know; did not hear him say anything about that.
- Q. Did he say anything about the claims for the blown-down districts?
- A. He did not know.
- Q. Did he hear him say anything about sections 16 and the Swamp lands in Wisconsin?
- A. Don't know anything about that.
- Q. From general talk, what does he understand about money being wasted in Neopit? What does he think about it?
- A. Says he thinks that money is wasted up there.
- Q. How does he think it is wasted?
- A. Well, he says, the money that was used on improvements for roads, he says, he thinks they don't ask the tribe if ~~that~~ money can be expended for that purpose.
- Q. He thinks that all that is wasted; just money on roads?
- A. Not that alone, but timber, and other work they do up there at the mill. They are not making anything.
- Q. What makes him think the mill is not making money?
- A. Well, he says, because the people don't get any annuity and the money must be used there and spent there.
- 

A. (Cont.) Now he says where does that money come from for building those nice buildings at Neopit?

Q. (Answering question put in above answer) Out of Interest on Menominee Log Fund.  
If they had been getting annuities, would they think the mill was making money?

A. Yes, then he would think that they were making money.

I certify that the above statement was given by me in answers to the queries asked and that the above contains no material misrepresentation of what was said by me.

Witness to mark:

Francis M. Dalgren

Sam. Pyrawkee

His

mark.

Made in presence of:

A. P. Marboe  
Assistant Superintendent.

John J. Harbeck  
Interpreter.

HJB. Steno.

✓

WORK OF THE FIELD MATRON ON THE MENOMINEE RESERVATION

(An interview with Mrs. Myrtle W. Marble, Field Matron)

Q. - How long have you been in the work and do you notice any improvement following your labors?

A. - Approximately six months on this reservation. Much of my time has been consumed in getting thoroughly acquainted with the Indians - especially the women - acquiring their goodwill and confidence, and learning of the actual conditions in the homes. I have found but two women openly hostile toward me on my first visit, but these have been won over and now welcome me into their homes. One of these so far forgot her antagonism as to respond within the week to come and see me when she came to the agency. Both are among my very best friends on the reservation. The women generally have taken kindly to my suggestions and it is a daily occurrence to have them call on me for advice or assistance during sickness, trouble, domestic or otherwise.

Q. - How many homes do you try to visit?

A. - About one hundred within a radius of eight miles of Keshena, the agency, and my home. Occasionally I make trips into more remote sections, but not regularly.

Q. - What percentage of these Indians are Pagans?

A. - Probably two hundred or thereabouts in the entire tribe, but less than half of these are in my immediate vicinity. While not so ready to understand and profit by the instruction given, the Pagans are fully as friendly, welcoming and expressing appreciation of whatever kindness shown them.

Q. - How often do you drive out into the reservation?

A. - Every day, unless the weather is extremely bad, with the exception of Saturdays and court and council days, I try to drive to some home. Sometimes this is not possible owing to the fact that I have no team for my exclusive use. When no team is available I walk to the homes at and near Keshena, making periodical trips to the Menominee hospital. Saturdays and stormy days I devote to keeping up a record of my work and answering the demands of the older people who come every alternate Saturday - ration day.

Q.- What do you teach?

A. - Everything which I think will aid them in making their homes better and more healthful. I touch on ventilation, sanitation, disposal of garbage, cleaning yards, screening windows and doors, cooking, nursing, and cleanliness of person and house. I urge the woman to be more systematic in their work - although there are many very good housekeepers among the Menominee women - and encourage them in the practice of their native arts - basketry, buckskin and bead work, rug making, etc., and endeavor, so far as possible to find them customers for their finished products. In this connection I am contemplating the establishment of a sort of small exchange where those who wish can exhibit their handiwork, with prices displayed, and thus procure customers which would not be possible if the work were kept at their homes until called for.

Q. - What do you do for the children?


A. - First of all, if health and age permits, I seek to get them into school, if they are not already regularly attending. In case parent or child objects, I try to overcome their objection by showing the benefits of education. Failing in this, the matter is reported to the office at Keshena, with all the facts obtainable and the task of getting the child into school - or hospital if health requires - is taken off my hands. I have found few cases, however, where the parents were unwilling to listen to reason, and a friendly feeling exists toward all schools.

Q. - What action do you take when you discover contagious or infectious diseases?

A. - In cases of grown persons the matter is reported to the agency physician, who calls immediately if not already familiar with the case. Where children are concerned, they are induced if possible to go at once to the hospital where examination is made for tubercular symptoms with a view to getting the incipient cases into sanatoriums, for systematic treatment. Where trachoma and other diseases are found the agency physician handles the case. I have personally conducted a class of six tubercular pupils to the sanatorium at Fort Lapwai, Idaho, and the reports brought back from that institution make other parents more ready to send their children away from this damp climate for treatment.

Q. - What do you do for the cases which remain at home?

A. - Give all possible instruction and care to prevent the communication of the disease to other members of the family.




Urge the other occupants to stop indiscriminate expectation, the use of suitable sputum receptacles and the burning of the same, the extermination of the bed bug as one means of preventing the spread of disease. I have personally applied and distributed considerable quantities of bed bug exterminator and found much satisfaction followed its use.

Q. - So far as you have gone, what do you consider the greatest need in the homes?

A. - I would say that the installation of screens on doors and windows, if properly used, would accomplish the greatest good to the greatest number. I find it impossible, however, to secure this simple improvement, especially among the aged and infirm Indians, for the reason that they have no means of purchasing the necessary material, and are unable to do the work personally. Outside a little outfit of bead or other handwork, these people have no means of earning money, and such annuities as they may receive are required for their subsistence. I shall suggest to the office that a special effort be made to issue the necessary lumber and wire screen to these people who are unable to buy, when in the judgment of the superintendent, physician or field matron, proper use will be made of such materials. There are sufficient tribal funds to take care of matters of this kind and the aged and infirm ones are to receive little benefit from this fund unless a portion of it is expended for such protection to health as herein indicated. Many of the most needy and deserving ones - especially among the full bloods - will not make their own wants known and too often their necessities remain unsatisfied until those in authority accidentally discover conditions and apply relief.

Q. - As a tribe what do these people need?

A. - To be taught to live together more harmoniously and with less of jealousies and fault-finding among themselves. They are, as a people, quite good to their children and to the children of others, but slow in helping each other in sickness and need. Very often they are willing, but lack leadership, therefore do little. I have made especial effort along this line and have found many of the people quite ready to assist as soon as they understand what to do. The tribe also needs some good wholesome instruction on the marriage relation, which is not held in as high esteem as it should be, although from reports conditions are much better than formerly. The parents also often permit their children to marry at a very early age and the sending of the larger girls away to non-reservation schools seems to be





absolutely necessary to prevent their marriage before womanhood is reached.

Q. - What do you think of the establishment of a girl's cottage home, where every-day housekeeping could be taught in a general way?

A. - This is an idea I have already proposed to the agent. In the average government or mission school, where girls are taught to work with modern equipment in all departments, they complete their education and leave absolutely without knowledge of the things actually required in the homes to which they are most likely to be called. Of what benefit is it for a girl to know how to operate a bread-making machine or a steam mangle, when she is confronted at home by the simple bread pan and the rusty flatiron? I am not disparaging the usual method of education, but think the average Indian girl would be able to do more toward civilizing her people if she were taught to make the best possible use of the appliances and furniture at hand in the average home rather than to pursue the higher education when it will not be required later. It is impossible to make farmers out of all the Indians; so it is difficult to make finished domestic science graduates out of all the girls.

(PUBLIC-NO.74.)

(S. 4046.)

An Act To authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests on the Menominee Indian Reservation in the State of Wisconsin.

*Amended*  
Sec. 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe in executing the intent and purposes of this Act, to cause to be cut and manufactured into lumber the dead and down timber, and such fully matured and ripened green timber as the forestry service shall designate, upon the Menominee Indian Reservation in the State of Wisconsin: Provided, That not more than twenty million feet of timber shall be cut in any one year: And provided further, That this limitation shall not include the dead and down timber on the north half of township numbered twenty nine, range numbered thirteen east; the north half of township numbered twenty-nine, range numbered fourteen east, and the south half of township numbered thirty, range numbered thirteen east, on the Menominee Reservation in Wisconsin.

Sec. 2. That the Secretary of the Interior shall, as soon as practicable, cause to be built, equipped, and operated suitable saw mills, equipment and necessary buildings for manufacturing into lumber the timber cut under the provisions of this Act, and there shall be employed such skilled foresters, superintendents, foremen, cruisers, rangers, guards, loggers, scalers, and such other labor, both in the woods and for operating saw mills, equipment and necessary buildings as may be necessary in cutting and manufacturing logs and lumber and in the protection of the forests upon said Indian Reservation. The Secretary of the Interior in so far as practicable shall at all times employ none but Indians upon said reservation in forest protection, logging, driving, sawing, and manufacturing into lumber for the market such timber, and no contract for logging, driving, sawing, sawing timber, or conducting any lumber operations upon said reservation shall hereafter be let, sublet, or assigned to white men, nor shall any timber upon any such reservations be disposed of except under the provisions of this Act. Whenever any Indian or Indians shall enter into any contract pursuant to this Act, and shall seek by any agency, copartnership agreement, or otherwise to share in the same with any white man, or shall employ in its execution any labor or assistance other than the labor and assistance of Indians, such act or acts shall thereupon terminate such contract, and the same shall be annulled and canceled.

*proposed amendment  
as it will read.*  
Sec. 3. That the lumber, lath, shingles, poles, posts, bolts, and pulp wood, and other marketable materials ~~so manufactured~~ obtained from

*the forests of the Menominee*  
~~wood from the timber cut upon such~~ reservations shall be sold ~~to~~  
~~the highest and best bidder for cash, upon the advertisement~~  
~~inviting proposals and bids,~~ under such rules and regulations  
as the Secretary of the Interior may prescribe. The net pro-  
ceeds of the sale of ~~such timber and other material~~ <sup>all such products</sup> shall be de-  
posited in the Treasury of the United States to the credit of  
the ~~tribe entitled to the same~~. Such proceeds shall bear inter-  
est at the rate of four per centum per annum, and the interest  
shall be used for the benefit of such Indians in such manner as the  
Secretary shall prescribe.

Sec. 4. That the Secretary of the Interior is hereby  
authorized to pay, out of the funds of the tribe of Indians  
located upon said reservation, the necessary expenses of the  
lumber operations herein provided, for, including the erection  
of saw mills, equipment and necessary building, logging camps,  
logging equipment, the building of roads, improvement of  
streams, and all other necessary expenses, including those for  
the protection, preservation, and harvest of the forest upon  
such reservation.

Sec. 5. That when the dead and down timber, and such fully  
matured and ripened green timber as the forestry service shall  
designate, shall have been converted into lumber, then the  
Secretary of the Interior is directed to make sale of such  
portions of the saw mill and manufacturing plant as will not,  
in his judgment, be needed for continuing operations on this  
reservation. The terms of these sales shall be fixed by the  
Secretary, and after the payment of the costs and charges of  
sale the net proceeds thereof shall be deposited in the  
same manner and for the same purpose as the net proceeds of the  
sale of the lumber aforesaid.

Sec. 6. That all Acts and parts of Acts in conflict with  
the provisions of this Act are hereby repealed.

Approved, March 28, 1908.

*Suggested Amendment to Sec. 1.*

*Provided that in timber cut under provisions of this  
Act, that logs more valuable for other purposes than  
manufacture into lumber, may be sold as such.*

DEPARTMENT OF THE INTERIOR

UNITED STATES INDIAN SERVICE

and now suffers from serious disease. Perhaps this is what he means. He has not spoken to me and there is nothing else apparently on the surface. He may be timid about approaching me because of nature of his trouble, but there is remedy and I could have the necessary operation allowed from Washington.

I shall be glad to get your report. I have the proposed amendment to act of 1908. - I have blue penciled as it would read amended. Can I suggest amendment to Section 1 for sale of logs more valuable for veneer and other purposes than manufactured lumber would bring. Oak, Birch, Birds eye maple and elm come particularly in this class. That is certain select logs. Price can be obtained for logs that is in excess of select lumber and we are without expense of manufacture. Expect to get to Chicago before or by the holidays. If so will ring you up.

With remembrances and regards from all

Sincerely

A. H. H. H. H.



Report of Mr. Edward E. Ayer's conversation with Mr. D. P. Tyrrell, attorney, of Gillette, Wisconsin, December 9th, in Mr. Ayer's Chicago office, in regard to the affairs of the Menominee Indian Reservation.

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Mr. Tyrrell:

This is a result of a conversation which I had with Mr. Ayer just before he left Neopit. Mr. Ayer referred to the dissatisfaction which is prevalent throughout the reservation and requested that I do what I could to set it at rest, to quiet the dissatisfaction. Owing to the relation which I bear with the tribe I considered that it was putting me in a position that I could not get away from, without investigating and taking the matter up with the leaders of the tribe.

We arrived at the conclusion that the discontent and dissatisfaction would remain unless the conditions and circumstances which have brought it about would be eliminated. It was suggested that these conditions would be eliminated by thorough investigation of all tribal matters. This investigation would undoubtedly for a considerable time prolong this feeling of discontent and unrest: it would simply lay the foundation for the remedial measures which would of necessity have to be taken in order to change the conditions which exist.

This also was suggested by some of the leaders:- that if the Government would allow the Indians their legal representatives, through whom and by whom the conditions prevailing upon the Reservation could gradually be made known to the Department and the remedy suggested brought out by the Department, and an opportunity given the tribe, through their legal representative, to sue for the loss which they have already sustained by their operations at Neopit, and if the Department would also take the tribe into its confidence to the extent that they would listen to and investigations that the tribe would from time to time make with reference to the men placed over them, it was felt that this excitement and dissatisfaction would disappear and the tribe gradually get back to the condition where they could go to work, and they would rely upon their legal representative to extricate them from the conditions which now exist there.

Mr. Ayer:

Q. Who are the "leaders of the tribe?" Give me their names.

Mr. Tyrrell.

A. There are a great many- I could not give you all the names. There is Lewis LaFrambois, Tom Prickett, Adolph Amour, Tom LaBell, Joe Longley, Joe Waugane, Paul Tebera, Sam LaFrambois, Frank Gauthier.



Mr. Ayer: Q. What is the nature of these claims that the Indians have got: do they want to collect for what was lost before the mill was started, by the wind break and that sort of thing?

Mr. Tyrell. A. We have put that out very fully in our report to the Department. That is, the operations at Neopit have entailed a loss of over \$1,000,000, the loss entailed by the blow down and from the lumber operations since the building of the mill. I believe the Government would have to pay that because the Government countenanced their cutting that strip of timber.

And then there is a bill pending before the Department for the enrollment of a large number of half bloods, and the members of the tribe desire every man to come on the tribe who can show a legitimate right to be there, but not otherwise, and they wish to be protected against those who have no right.

Mr. Ayer: Q. What do you think about the recommendation I am going to make, that the Indians take up farms? Don't you think it is a good one?

Mr. Tyrell. A. I believe that applying that to a large number of the Indians on that reservation, that that is the solution of their social welfare, that they must go to farming. I believe that if this question is settled in the manner I have outlined that next Spring quite a number would select their farms, provided some method was devised by which they could get help?

Mr. Ayer: Q. Have you taken this up with the Department?  
Mr. Tyrell. A. No: that would really be a question that is outside of our employment, although, at the same time, it could be made a part of the legal representative's employment there.

Mr. Tyrell: If you feel that you can recommend that the tribe be allowed to employ its counsel and allow them to work out a solution with the Department of the conditions there, which would relieve the intense feeling among the tribe, and also recommend that the Department as much as possible take the tribe into its confidence and pay attention to and investigate the recommendations which the tribe might consider proper to bring to the attention of the Department, in the way of its employees, I feel that a good step would be taken.

Mr. Ayer. Q. Well now, the matter of expense is a very important one. Now, what would the expense be?  
A. Our contract provides for \$8,000 a year for Mr. Ballinger and myself. We contemplate a local man near the tribe and Mr. Ballinger in Washington to attend to matters there.

Conversation with Mr. Tyrrell.- page 3.

- Mr. Ayer: Q. Well of course you would be the local man?  
Mr. Tyrrell. A. Yes; I would be the local man. I feel I have their confidence, but I have no "clinch" on the tribe. They are at liberty to hire anyone they please.
- Mr. Ayer: Q. When I was at Neopit you said you had never received one cent of compensation.  
Mr. Tyrrell. A. Up to date I have never received one cent of compensation. About three and a half weeks ago I received \$125.00 for my expenses to Washington.  
Q. That came from the tribe?  
A. Yes. - - - I am guaranteeing my expenses myself, and if they are not paid back by the tribe I have to foot them myself. The tribe is under no legal obligations to me for any services I have rendered them to date, but I feel that the conditions there are so urgent that it requires immediate attention. --I don't know whether your attention was called to the condition of the Pagan Indians?  
Mr. Ayer: A. No, I didn't have the time to look into that  
Mr. Tyrrell. A. At Mr. Wyenkeit's request I visited several families of Pagan Indians. I was able to endure but three families; their condition was so pitiful and demanded so much relief that I simply turned sick and I could not continue visiting the remaining families there.
- Mr. Ayer: Q. You are perfectly satisfied that every opportunity was given you at the plant to present your case, under the circumstances?  
Mr. Tyrrell. A. Well, I wouldn't want to make that full, from the fact that I could keep your men there at least two weeks.
- Mr. Ayer: Q. That would not have been consistent.  
Mr. Tyrrell. A. But when you consider that the conditions to which we called attention are practically the prevailing conditions over that area of operation, you can see that we could not cover but a small fraction in the few hours that we were out.
- Mr. Tyrrell: Q. What would be your position in this matter, if I may ask?  
Mr. Ayer. A. I would not recommend any attorney or attorneys. Because it would be a division of authority. There would be two different interests that the Indians could go to. Every time an Indian was discharged, or anything else, he would come to his attorney and that would mean a report to Washington and the Superintendent would make another; and it seems that in any business the more divided authority you have the more you are liable to fail.  
Now, if the United States can have a man that is taking care of 40,000,000 feet of lumber a year practically, cutting, sawing and rolling, and then

## Conversation with Mr. D. F. Tyrrell - page 4.

have have charge of 1700 people, sick, lame and lazy, and all for \$3500.00; and I certainly would not recommend that they pay lawyers \$8,000 a year for presenting the ordinary business of the tribe which the Government is under obligations, through their Indian Department and special agents to attend to themselves. I would not recommend any thing of that kind.

Mr. Tyrrell: As far as the "division of authority" is concerned, I don't believe there is any contract that contemplates any division of authority.

Mr. Ayer: Yet you say that you would present their grievances etc. If you had the power and right to go in on the reservation and listen to the complaints who had a grievance. The Government has their agent there for that purpose and I don't believe the Government has any right to permit the Indians to spend any money for attorneys. If there are individuals that want to employ attorneys and they have money to pay for them, all well and good.

Mr. Tyrrell: Now, if you knew the number of cases I have had to attend to and which demand attention --

Mr. Ayer: You mean in this tribe? Then in that case you have been doing part of the duties of the Indian Agent of course.

Mr. Tyrrell: No, not at all. These are matters which the Government should have attended to, but which the Government never has and I don't believe the Government ever will.

Mr. Ayer: Am I to consider then, that you haven't any faith in the Government ever settling these claims?

Mr. Tyrrell: I have absolute faith in the present officials at Washington, connected with the Indian Department. But I don't believe that it is possible for the Indian Department, through its local department, to obtain for the Indians that full measure of justice which an attorney, who is employed for the tribe and paid out of tribal funds would secure.

Mr. Tyrrell: In connection with this "blow down" in the logging district, some of the members have approached me and stated that they felt the tribe would desire the settlement of these claims upon the basis of what was actually due the contractors at the time of the closing operations, with a reasonable per cent. interest, providing their attorneys would stand between them and the suing contractors.

Mr. Ayer: You think they would save money by having you do that?

Mr. Tyrrell: Now understand, Mr. Cook has claims aggregating in the neighborhood of \$100,000 if not \$130,000- I don't know. I believe these claims could be settled for an amount in the neighborhood of \$25,000 to \$30,000.

- Mr. Ayer: There were certain deductions made by Mr. Brannif from all the claims, the reasonable cost for running the logs, as they never were run. Then, in addition to that there was penalties for cutting green timber etc. which he docked them for too. Now, isn't it a fact that the Government has considered these deductions and if anything ever is paid out it goes to a few white men. How do you save money for the tribe in that way?
- Mr. Tyrrell: Mr. Cook claims not only the amount actually due, including these deductions, but also claims for damages for breach of contract etc. which bring it up from \$25,000 to \$100,000 and over. Now if it is considered that these claims are proper to be paid it means that the sum of \$100,000 will come out of the tribal funds. Now if the tribe is allowed their attorneys and they can settle for \$25,000 they are saving the difference between \$30,000 and \$100,000.
- Mr. Ayer. I see. The Government claim that they don't owe anything. Now, these men who have \$150,000 damages etc. you think you could get off?
- Mr. Tyrrell: These Indians who have contracts and who have certain amounts coming on those contracts and which have been held back have stated to me that they thought the tribe would be willing to vote for settlement on the basis of what they claim was actually due, with a reasonable percent of interested, providing we represented the tribe to see that these conditions were brought about which I have just outlined.
- Mr. Ayer: Isn't it a fact that the Indian Department and the Government claim that they don't owe these claims? Isn't it a fact that if they paid any money on those claims of any name or nature it would only go to the few loggers who have those claims and would come out of the funds of the Menominee Indians?
- Mr. Tyrrell: The position I take is that the Government will have to pay every dollar due on these contracts. Certainly it has got to come out of the tribal funds, but they would pay this because there was a chance that they would have to pay more if they went to law.
- Mr. Ayer: Mr. Tyrrell, your coming here to discuss these things with me is perfectly proper.
- Mr. Tyrrell. I take it so.
- Mr. Ayer: And it is just as proper for me to disagree with you.
- Mr. Tyrrell. Absolutely. - - Mr. Ayer I believe that I can give this a great deal more time and attention, through the fact that I feel that these conditions must be done away with, the tribe must be quieted and as many as can must be taught farming.
- Mr. Ayer. Yee, that is one of the first things I took up with them.

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Report of Mr. Edward E. Ayer

~~18~~19 on the

MENOMINEE INDIAN RESERVATION.

January, 1914.

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distress among them, and it appeared that conditions were continuing to grow worse. The members present adopted a resolution recommending the appropriation of \$10,000 to be used to assist these non-reservation Navajoes in leasing lands for stock raising purposes. It was also shown that the regular appropriations for education among these Indians were inadequate and the money for irrigation, particularly on the Fort Defiance jurisdiction, was entirely insufficient.

The consensus of opinion of the Board members and superintendents present was that Indian Service salaries were too low and the too many inspections were also a source of much discontent throughout the Service.

Members of the Board expressed dissatisfaction with the inspection methods employed by numerous of the officials assigned to this duty. Much of this work was considered destructive rather than constructive, often unfair methods were employed and the assistance rendered the superintendents and their staffs by the inspectors was very often of no real value.

Judge Hanna, the attorney for the Pueblo Indians, gave a brief account of the important litigation in the courts affecting the Pueblo Indians. Mr. Vaux gave a short account of some of the Pueblo irrigation problems and was formally authorized by a vote of the members to take up with the Secretary of the Interior the question of improving the Acoma-Laguna irrigation system.

Moral conditions among the Pueblos were discussed with superintendents Lonerger and Bauman. Various charges regarding Pueblo administration filed by Clara D. True of Espanola, N.M. were presented by Chairman Vaux, who decided to look into them with Commissioner Ketcham following the meeting.

At Santa Fe several Pueblo delegations were received by the Board and Commissioners Vaux and Ketcham decided to visit these Pueblos and go into all of the matters presented by the Indians.

The Board voted to hold the mid-summer meeting

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at Syracuse, N. Y. on July 23rd. Commissioners McDowell and Ketcham gave an account of the proceedings of the New York Indian conference which they attended at Syracuse during the first part of March.

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MALCOLM McDOWELL

Secretary.

Report on Indian labor in Arizona

By  
Edward E. Ayer  
Board of Indian Commissioners

To the Hon. Franklin K. Lane,  
Secretary of the Interior.

My dear sir:

The rapid development of the long fibre cotton industry in the Salt River Valley, Arizona, in the vicinity of Phoenix where the recent crop survey shows 36000 acres in this crop, opens a new and desirable field for Indian labor.

I understand that last season in this same section where a cotton crop on about 8000 acres was picked, that many Indians, especially Papagoes, were employed. That they gave good satisfaction to the cotton growers and received good pay for their work. A large number of additional pickers will be needed this year and the Pima, Maricopa, Cocopa, and Yaqui Indians have shown themselves particularly adapted to this work.

I am advised by those in touch with the cotton situation that the various cotton growers associa-

tions will guarantee the Indians good wages, and general good treatment. Cotton picking begins Sept. 15 and continues for five or six months. It seems to me that this opportunity for obtaining remunerative labor for the Indian in large units should be given prompt and favorable attention.

To accomplish this, in my judgment, a man should be detailed from the Indian department to have charge of all Indians at work in the Valley. That is, to see that they have proper tents, water, fuel and other conveniences, and also proper pay. He should be sent there now in order to familiarize himself with conditions. He should put himself in communication with the different Indian agents in Arizona, and try to get twenty-five or thirty Indians <sup>from each tribe</sup> to go to Phoenix and make a trial there. They could be taught how to do the work by teachers from the Pima and Maricopa tribes. <sup>Native born men</sup> They would have steady work picking cotton for at least five months of the year, and for years to come. <sup>and increasing</sup> They will need about 7000 pickers this year, and the number will increase rapidly from year to year. It is not hard work and can be done by men, women and children, and so they could bring their families. The Navaho, Walapais, Apahces, etc., could all reach Phoenix by the Santa

Fe railroad, and those from the south by the Southern Pacific. The Whites, of course, would advance the money if necessary for railroad fare, and start them with some provisions.

Of course this is only a trial, but I feel certain that some would come again, and eventually, say *(or perhaps much less time)* in ten years, from now the cotton growers of Arizona could depend upon help enough from this source to harvest their crop. *and the Indians be much benefited*

The government is vitally interested in this Arizona venture in long staple cotton as there will always be a shortage of it because there is so small a section of the world where it can be grown.

The man to oversee this work should spend the other seven months of the year among the different tribes of Arizona, New Mexico and Eastern California, advocating the work and arranging for the coming season. The ideal man for this work would be Mr. Thackery, but the Indian department has among its splendid Indian agents a great many men who could do it.

Finally, what our Indians need most is to be taught to work, and this gives an opportunity for a large body of the Indians of that section to have work which they can do at good pay. ~~for at least five months of the year.~~ *And Every year and many could find employment for the balance of the year over*  
*carefully submitted. Edward S. Ford*



This year there will be several hundred Insulars  
from Southern Arizona employed there and there should  
be a man from the Department and one of first  
experience appointed immediately to look after the ~~interests~~  
~~of~~ ~~wellfare~~ and advise them. They will meet for  
many defect people some of which will only be  
interested in getting all they can out of the insular  
& furnish them as little as they can

## PURCHASE OF SUPPLIES.

Commissioner Ketcham represented the Board at the annual letting of contracts for Indian Service supplies at Chicago and St. Louis. He reported that prices uniformly were exceptionally high but in keeping with the general conditions found, according to common report, in other purchasing branches of the Government. In many lines goods were scarce and some of the manufacturers would not bid for long contracts because the conditions of the primary markets were too unsettled. Notwithstanding these embarrassing conditions most of the necessary supplies were bought.

The good quality of food supplies was maintained and, in other lines, quality was not sacrificed merely for the sake of economy. But much care was taken to see that articles which clearly were not absolutely needed either were bought only in part or not at all and substitutions were made where it was considered they

would meet the wants and, at the same time, effect a substantial saving.

For instance, none but those school books which are essential for school room work were bought, this effected a saving of several thousands of dollars. A considerable saving was made by buying but half of the vitrified china ware. In the dry goods line denim for curtains and table covers - purely ornamental uses of the material - was eliminated and, likewise, the fascinators used at odd times by Indian school girls, counterpanes and like articles which serve certain purposes but are unnecessary. Because of the much increased cost resulting from the high values of dyes, dark outing flannel was not bought but the darkest patterns of light colored flannel were substituted at a good saving. The war raised price of indigo dye having almost doubled the price of indigo percale, none was purchased. Instead non-crinkled seersucker was substituted and it also was purchased in lieu of crinkled seersucker at a saving of several cents a yard.

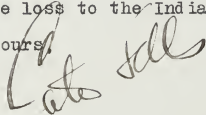
Other savings were effected as follows; Opaque for window shades is to be bought only for new buildings. A cheaper line of leather work gloves was bought. Iron and steel requisitions were cut in half, A good grade of lard compound was substituted for the pure lard heretofore used. Khaki hats for the Indian school boys and the police were selected in place of felt hats at a saving of a dollar a hat and, wherever practicable, khaki and corduroy were bought instead of woolen clothing. The surplus stock of drugs in the Service will be used to fill 1918 requisitions so far as they will go for contracts were made only for enough drugs which, with the surplus, will meet the needs during the year.

Commissioner Ketcham was much impressed with the high character of the work done by the representatives of the Indian Office at the lettings and with the intelligence and good sense with which they met the difficult situations and abnormal conditions.

manufactured products, etc. I did not feel that you would be interested in the greater part of this report. Reports of this character by inspection officials are always considered confidential by this Department.

The Linnen report indicated that there was no basis for the allegations that the Menominee Indian Mill is now being run at a large loss to the Indians.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "C. E. Sells". The signature is written in a cursive style with a large, looping initial "C".

Commissioner.



### Transfer of Superintendents.

At the Riverside meeting the Board directed the Secretary to incorporate in the draft of the annual report a paragraph deprecating the frequency of transfers of superintendents and protesting against the practice of promoting an employee by transferring him.

Last year Commissioner Ayer sent out a questionnaire to a number of superintendents on the subject of changes in positions of officers in charge of reservations and schools. He received 120 replies. The summary of the replies showed that since entering the service 10 officers had made no change; 17 had made one change each; 34 two changes each; 17 three changes each; 20 four changes each; 17 five changes each; 9 six changes each; 3 seven changes each; 3 nine changes each and one had made 10 changes.

But the result of the questionnaire did not show if the frequency of changes varied under several administrations.

The Secretary of the Board undertook to ascertain the comparative per centages of changes

for a period of ten years and to that end obtained from the Indian Office eighteen printed rosters of the Indian Service. These rosters are issued at irregular intervals but the rosters received covered the administrations of Commissioners Leupp, Valentine, Acting Commissioner Abbott and Commissioner Sells, a period from July 1, 1907 to May 16, 1917.

There were 118 superintendents in office on July 1, 1907. One hundred and five reservations or schools had a continuous existence from July 1, 1907 to May 16, 1917. Of the superintendents of these 105 reservations only eleven held office for this period of ten years, showing that in ten years there has been a 90% change of superintendents.

The following superintendents have served in the same place for ten years:

Dr.R.S. Buckland, Mackinac or Chippewa-L.Superior Agency;  
S.B. Davis, Genoa Indian School, Nebraska;  
R.A. Cochran, Mt. Pleasant Indian School, Michigan;  
J.C. Hart, Oneida Reservation, Wisconsin;  
J.R. Brennan, Pine Ridge Reservation, South Dakota;  
J.F. House, Rapid City Indian School, South Dakota;  
L.M. Compton, Tomah Indian School, Wisconsin;  
Dr.C.M. Buchanan, Tulalip Reservation, Washington;  
E.J. Bost, Wittenberg Indian School, Wisconsin;  
C.L. Woods, Neah Bay Reservation, Washington;  
Dr. J. S. Perkins, Rice Station, Arizona.

The following superintendents have had long periods of service at the same reservation or school:

R. Perry, Albuquerque, New Mexico, since May 25, 08;  
Dr.H.R. Hummer, Canton Insane Asylum, " Sept 19, 08;  
Grist, Farmer in Charge, Digger Agency, California;  
from July 1, 1907 to Jan. 1, 1916;  
F. Morgan, Flathead, Montana, Jan. 13, 1907 to May 16, 1917;  
A.F. Duclos, Ft.Mojave, Arizona, May 25, 08 to May 16, 1917;  
C.B. Lohmiller, Ft.Peck, Montana, July 1, 1907 to May 16, 1917;  
C.M. Ziebach, Ft.Totten, N.D., July 1, 1907 to May 16, 1917;  
A.S. Nicholson, Keshena, Wisconsin, from September 1, 1910;  
E. Minor, Kickapoo, Kansas, July 1, 1907 to May 16, 1917 (died);  
P. Paquette, Navajo, Arizona, since September 19, 08;  
Goodman, Phoenix, Arizona, July 1, 1907 to May 1, 15;  
W.E. Dunn, Red Moon, Oklahoma, Jan. 13, 09 to July 1, 16;  
Shelton, San Juan, Arizona, July 1, 1907 to Jan. 1, 16;  
I. Deaver, Seneca, Oklahoma from May 25, 1908;  
J. Eddy, Tongue River, Montana, July 1, 07 to May 1, 15;  
E.L. Swartzlander, Umatilla, Ore., since Jan. 1, 1910;  
J. Howard, White Earth, Minn., May 25, 08 to July 1, 16;  
R.J. Bauman, Zuni, N. M., from December 1, 1910;  
W.A. Light, Hayward, Wis., July 1, 07 to July 1, 16.

The 105 reservations or schools were grouped in classes according to the number of changes that had taken place during the ten year period.

Two reservations have had six changes, 3 reservations 5 changes, 13 reservations 4 changes, 24 reservations 3 changes, 30 reservations 2 changes, 22

reservations 1 change and 11 reservations have had no changes.

The following is a list of the reservations grouped according to the number of changes:

Six changes

Lower Brule, South Dakota  
Vermillion Lake, Minnesota

Two reservations

Five Changes

Blackfeet  
Havasupai  
Jicarilla

Three reservations

Four Changes

Colorado River  
Cheyenne River  
Crow Creek  
Fort Bidwell  
Greenville  
Pala  
Rosebud

Thirteen reservations

Seger  
Round Valley  
Standing Rock  
Uintah and Ouray  
Western Navajo  
Winnebago

Three changes

Cantonment  
Carlisle  
Carson  
Cheyenne & Arapahoe  
Fort Belknap  
Haskell  
Hoopa Valley  
Keshena

Twenty-four reservations

Klamath	Pottawatomie
Leech Lake	San Carlos
Moapa River	Schoba
Nevada	Southern Ute
Omaha	Wahpeton
Osage	Yankton
Otoe	Pima
Ponca	Fort Lapwai

Two changes

Cherokee  
Chilocco  
Coaur d' Alene  
Flandreau  
Flathead  
Fort Apache  
Fort Berthold  
Fort Hall  
Fort Mojave  
Fort Yuma

Thirty reservations

Kiowa	Shawnee
Mescalero	Shoshone
Moqui	Sisseton
Pierre	Springfield
Red Lake	Truxton Canon
Sac & Fox (Ia)	Warm Springs
Salem	Western Shoshone
Santa Fe	White Earth
Santee	Yakima
San Xavier	Crow

One change

Albuquerque  
Canton Insane  
Colville  
Digger  
Fort Peck  
Fort Totten  
Hayward  
Umatilla

Twenty-two reservations

Kickapoo	Sac & Fox (Okla)
La Pointe	San Juan
Navajo	Seneca
New York	Sherman
Pawnee	Siletz
Phoenix	Tongue River
Pipestone	
Zuni	

No change

Mackinac  
Genoa  
Mt. Pleasant  
Neah Bay

Eleven reservations

Oneida	Tomah
Pine Ridge	Wittenberg
Rapid City	Tulalip
Rice Station	



The following table shows the per cent of changes of superintendents and the rate of change per year for the period covered by the eighteen rosters, July 1, 1907 to May 16, 1917:

Commis- sioner.	Per cent change	Per cent change per year	Time : Months:	Dates	Continous: reserva- tions	No. : changes:
Leupp	21	23	11	7-1-07 to 5-25-08	114	24
Leupp	9	36	3½	5-25-08 to 9-19-08	123	11
Leupp	10	31	4	9-19-08 to 1-13-09	126	13
Leupp	4	13	3½	1-13-09 to 5-1-09	132	5
Leupp to Valentine	13	20	8	5-1-09 to 1-1-10	123	18
Valentine	15	22	8	1-1-10 to 9-1-10	136	20
Valentine	7	28	3	9-1-10 to 12-1-10	143	10
Valentine	4	12	4	12-1-10 to 4-1-11	143	6
Valentine	19	24	9½	4-1-11 to 1-15-12	137	26
Valentine to Abbott	21	29	9½	1-15-12 to 11-1-12	135	29
Abbott to Sells	10	13	9	11-1-12 to 8-1-13	137	14
Sells	5	11	5½	8-1-13 to 1-15-14	134	7
Sells	25	30	10	1-15-14 to 11-15-14	132	33
SELLS	17	37	5½	11-15-14 to 5-1-15	136	23
Sells	6½	10	8	5-1-15 to 1-1-16	137	9
Sells	12	24	6	1-1-16 to 7-1-16	134	16
Sells	18½	21	10½	7-1-16 to 5-16-17	134	25

Taking an average of the per cents of change per year for the administrations of Leupp, Valentine and Sells under examination, the following averages were obtained:

25 per cent of change per year under Commissioner Leupp, from July 1, 1907 to May 1, 1909, 2 years;

22 per cent of change per year under Commissioner Valentine, from January 1, 1910 to January 15, 1912, 2 years;

22 per cent of change per year under Commissioner Sells, from September 1, 1913 to May 16, 1917, 3 $\frac{1}{2}$  years.

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### Sells policy

The principal feature of the administration of Indian affairs during the year was the promulgation on April 7th, 1917, by Commissioner Sells of his "declaration of policy". In brief the Commissioner declared that the time had come for the separation of the full-bloods and mixed-bloods; for discontinuing guardianship for all competent Indians and "giving even closer attention to the incompetent that they may more speedily achieve competency". In this declaration the Commissioner says "broadly speaking, a policy of greater liberalism will henceforth prevail in Indian administration to the end that every Indian, as soon as he has been determined to be as competent to transact his own business as the average white man, shall be given full control of his property and have all his lands and moneys turned over to him, henceforth he will no longer be a ward of the Government.

The rules to be observed in carrying out this policy provide that to all able-bodied adult

Indians of less than half Indian blood there shall be given, as far as may be under the law, full and complete control of all their property. Indian students when they are 21 years of age or over, who complete the full course of instructions in the Indian schools and who receive diplomas and who have demonstrated competency will be declared competent.

A liberal ruling will be adopted in the matter of passing upon applications for the sale of inherited Indian lands where the applicants retain other lands and the proceeds are to be used to improve the homesteads or for other equally good purposes. Indians will be given unrestricted control of all their individual moneys upon issuance of patents in fee or certificates of competency.

As speedily as possible their pro rate shares in tribal trust or other funds will be paid to all Indians who have been declared to be competent unless the legal status of such funds prevents.

Where parents are able to pay for their education Indian children will not hereafter be educated free of cost in government Indian schools.

The Commissioner says, "This is a new and far reaching policy. It means the dawn of a new era in Indian administration. It means that the competent Indians will no longer be treated as half wards and half citizens. It means reduced appropriations for the government and more self-respect for the Indians. It means the ultimate absorption of the Indian race into the body politic of the Nation. It means, in short, the beginning of the end of the Indian problem.

"In carrying out this policy I cherish the hope that all friends of the Indian race will lend their aid and hearty cooperation".



Indian soldiers.

Some months before the United States declared war on Germany, Commissioner Ayer had suggested that rifle ranges be built for non-reservation schools that the Indian boys might be trained in the use of the army rifle. At the special meeting at Riverside, California, which was held some weeks before the declaration of war, the Board considered the question of enlisting the Indians as soldiers in the United States Army and, after a thorough discussion, adopted the following resolution.

RESOLVED: That the United States Board of Indian Commissioners earnestly endorse the recommendation of Commissioner Ayer that, in the event of an increase of the army, fifteen regiments of Indians be enlisted and that qualified officers of the Indian service be detailed for recruiting duty.

Commissioner Ayer and Commissioner Knox were delegated to take up the subject of the resolution with the Secretary of the Interior. Commissioner Knox had several conferences with the Secretary and Commissioner of Indian Affairs, both

Indian soldiers.

- 2 -

of whom approved the idea of organizing Indian cavalry units to patrol the Mexican border, thus releasing for foreign service, if necessary, troops of the United States Army.

While this matter was pending in the Department of War, the United States declared war against Germany, the selective draft act became effective and the proposition to organize a regiment of Indian soldiers was held up; at the close of the fiscal year it was pending.

### Field Matrons.

In the Indian Appropriation Act for the current fiscal year there is an appropriation for \$75,000 for additional field matrons. A field matron is a woman who goes among the Indians homes, tries to teach the women how to take care of their babies, keep the house clean, help to improve sanitary conditions etc. In short she is supposed to be a combination of a domestic science teacher, trained nurse, a missionary, sanitary officer and a good cook. The idea is that she will be constantly on the go, continuously visiting Indian women and girls making them her friends, getting their full confidence and leading them away from their old ways so that their homes will be more like real homes and less like tepees.

The field matrons are within the jurisdiction of the educational division of the Indian Office of which Mr. B. S. Garber is chief.

For over a year the Secretary of this Board has been much interested in the work of the field matrons. A short time ago he wrote to Mrs. Elsie E. Newton on the subject and received a confidential letter which presents an opportunity to this Board to do some

effective work. Her letter reads as follows:

"Your letter prompts me to have a heart-to-heart talk with you about field matrons and their work--but imagine, please, that we are in a corner of the Mohonk lobby and there is no limit to the amount of conversation on the subject! I shall not make this an official letter, but you may note what there is in it that you care to remember or use and return it to me. I have often thought that the Board could give timely and able assistance in these matters, but I have been reluctant to use any but the regular channels. Since you have opened the subject, I will express myself without reserve both in criticism and hope. If you can manage to wade through the letter, let me know what points you wish made more clear, or upon which you think we can make a particular drive, and I will embody them in an official letter for your files. We may be able to bring about something of value to the Service".

"First, let me tell you about the present organization of field matron work. Although I am a Supervisor of Indian Schools and paid from that support fund. I am detailed to field matron inspection work. I have no supervisory functions and no authority. I merely go from place to place, inquiring into home conditions and matrons' work and report to the office with recommendations. I do not even plan my own itinerary. This is drafted by the stenographer of Health desk, subject to the approval of the Commissioner of Assistant Commissioner. Sometimes I am sent to schools, and to reservations where there are no field matrons, and many field matrons are never visited. The orders never appear to me to have any sequence or particular reason and look as if they had been made up from the map alone. For three months last year I was engaged in the rehabilitation of one of our schools and for six months, in a special sanitary campaign on the Blackfoot. Just now I am detailed to another and longer sanitary campaign in the Five Tribes. And I am the only supervisor of field matrons that there is.

All policies and all the administrative work are handled in the office, the actual duties devolving upon the sole man in charge of Health in Education Division, with a single stenographer as aide. Aside from a circular sent out by the Commissioner about two years ago, based

based upon a letter which he asked me to write, there has been no settled, announced policy for the field matrons to follow in their work.

Our funds are appropriated in "Industrial Work and Care of Timber". For several years I had to fight to get a separate allotment, but once established the practice has continued and we have had little trouble recently with the farmers getting more than their share. But we have never had more than \$50,000 in any one allotment, and to my knowledge, have never used more than \$47, or \$48,000 in one year.

Let me call your attention to something that is happening this year. You may know that we have about half dozen or so women doing field matron work who, being paid out of tribal funds are designated Female Industrial Teachers. This year Congress voted an extra \$75,000 for "the employment of additional field matrons". During the winter and spring a number of field matrons have been transferred to Female Industrial Teachers, with the purpose, I suspect, of re-transferring them to the field matron payroll the first of the new fiscal year, as "additional" field matrons. This will afford savings in "Industrial Work Care of Timber" which I surmise, will be diverted to other than field matron uses. Now I do not know this, I only surmise. I am not informed nor consulted in regard to field matron policies, except very occasionally, and even information is not forthcoming unless I make a special plea. This is rather a grievance with me, for lacking myself, there is not a single other person who cares a whoop about field matrons per se, or knows what to do with them--even the man on the desk. I am not arguing my own superior knowledge and wisdom I am merely stating a fact of organization.

The vagueness of purpose at the centre permeates the entire field. Not one superintendent in ten understands what a field matron is for or to what extent she can be used in reservation work. He has the idea that she can keep Indian homes clean and save the babies by periodic visits to the Indian women. This is a noble object, though I doubt if the methods based upon this concept are accomplishing any great or lasting good. The utter lack of articulation of field matron work with the other forces of the reservation are rather deplorable.



The farmer is inclined to think the field matron an intruder in his domain and the physician would rather have a trained nurse who can assume care of patients and take over part of his work. Some physicians, to my knowledge have said frankly that they did not want a field matron around because she was always finding more work for them to do. For lack of proper supervision, direction, inspiration, appreciation and objective, many a matron has gone to seed who otherwise might have developed very well. In spite of all this, we have many matrons who are doing devoted work, and I am venture to say that I am not wide of the mark to assert that ours is doing more effective personal service than any other branch of the bureau. But for them, many cases of sickness, destitution, trouble and neglect, would never receive any attention. Such work, nevertheless, is merely alleviatory. Of constructive work, little is being done.

As I view the gradual evolution of things Indian, it seems to me what our education of the Indian makes him clamorous of his right to govern himself and control his property: so all our extensive machinery for controlling him and for guarding his property will break down--slough off, as it were. The signs are not wanting that this process is now going on. Even so, there will remain phases of his life uncared for and undeveloped unless we make provision now. Take the California Indians for instance---they have long supported themselves (and we make much of self-support) yet they remain in what might be termed a state of social unregeneration. They are linked to no community interests, have no accepted standards, are morally untidy, physically unfit, socially undeveloped. What are we going to do with them? Their condition is not due to lack of earning ability or educational opportunity. They represent what all Indians will become who are cut loose from Federal control and are left to shift for themselves in what remains an alien environment.

This argues the need of some social agency that will hold them to a common code, interpret to them the community in which they live and guide them into complete mergence with it.

In its final analysis, this is the function of the field matron service, which if properly organized and conducted will be the residuum of Indian Affairs long after that office in its business phase will have disappeared.

And I grant it this possibility because of its intimate relation to the Indian home. If we were now inaugurating a policy that recognized this possibility, we could offer a real profession to trained women.

I would begin at once to develop the community-center idea. I believe it would be exceedingly effective, especially in view of the increasing number of returned students who drift when they return to the reservation. Presiding over such a centre, a trained and qualified woman could eventually influence the whole thought of the community. Such problems as housing, sanitation, family morals, conservation of child-life, educational development, etc., would fall into their logical places.

Last summer on the Blackfoot, I was in effect a working field matron, except that I had superior authority to carry out my own ideas--where the usual field matron has hers ignored or hooted at. I knew nearly every family, history, connections, circumstances, characteristics. All the Indians came for advice on every conceivable subject. We spent only about four active months, yet results were beginning to show wonderfully--just as we had to leave. Housing conditions were improved, gardens were better, root cellars were made, and more children went away to school than for years before--over fifty to Carlisle. In a longer time, I believe we could have changed the trend of thought.

The point I want to make is, that if one can live right among the Indians, enter into their family and local interests in a neighbor-way, understand with sympathy and without sentiment their temperament, let them know that one is indeed a friend, almost anything on earth can be done with them. Agencies as now constituted not only cannot do this, but they are positively detrimental to the actual spiritual progress of the Indian. They are absorbed in the administration of material affairs, and history shows that you have got to capture the imagination - the spirit - of a people before you can accomplish moral and even industrial regeneration. Trained women given facilities and opportunity, can be more effective agents of this regeneration than any other force. (One of the most experienced traders among the Navajos said practically the same thing to me, so this is not solely my opinion).

This brings me to the field matron herself and what sort she should be. We have some who are leftovers from schools, where as cook or laundress, they could not fit in and so were "promoted". Several years ago I succeeded in getting the office to commit itself to a policy of eliminating such candidates, also of women with dependents. I outlined an examination and secured a separate Civil Service register to which only trained nurses and domestic science teachers were eligible by transfer. This has brought about some improvement. We still have to take what the Civil Service offers, like cards from a pack.

The ideal matron should have, first, personality that includes tact, sympathy, wholesomeness, courage, health and initiative; second, training in practical nursing, elementary cookery, household management, rural sanitation and social methods. Given material with these qualifications, I would not allow a single matron to go to her field until she had had a special course in Indians. Under this head I would include something in the way of history, the present relation of the Indians to the Federal Government, or the several states, their characteristics personal and tribal--psychology, if you will--and the relation of the field matron work to the forces of the reservation. Another most important thing would be the concepts in regard to social ends that it is our aim to inculcate.

A good deal has been said about the value of the trained nurse. If you have followed Dr. Cabot's innovation of social medical workers in connection with hospitals, you will find that although the knowledge a nurse has, is essential, her training and disciplines have tended to submerge her personality and ingenuity. She has become rather too mechanical along the lines where the field matron must secure the family confidence in order to bring about changes in home conditions. In other words, she has been trained for curative work per se. So, although a nurse's training is most desirable in a field matron, I do not consider that the highly trained nurse is as well qualified to accomplish results with the Indian family.

The present objective of field matron work seems, in the mind of the Office, to be merely sanitary and hygienic teaching. But we have no law of compulsory sanitation, no system of sanitary inspection and report, with penalties for non-compliance. A field matron may labor devotedly for

nine months to get mothers to take better care of their babies, and along comes an epidemic in the tenth month month which wipes out all the record she has made. I saw this at Blackfoot this year, where nothing was done to control two epidemics of measles, one of pneumonia and one of whooping cough. There simply isn't any sentiment favorable to quarantine on any reservation, excepting one or two. The local authorities will say that you can't quarantine, so what's the use of trying. I know this to be fallacious. You can quarantine, even Indians, if you go about it in the right way. Not once have I seen any attempt made to enforce the law of segregation of tubercular patients whose personal practices are a menace. In the face of this attitude of indifference, no wonder the field matrons get discouraged.

A city worker has at her command, a dozen agencies through which to work, hospitals, clinics, juvenile and penal institutions, etc. The field matron has not one. (Excepting the few hospitals. A city worker has a whole list of laws to which she can appeal; the field matron has none. Excepting the seven deadly sins, so designated by Congress, and the whiskey, there is nothing legal to help in the solution of the problems of the idle, the vicious, the delinquent and the defective, only the so-called authority of the agent, the rules and regulations of the office, the uneducated Indian police and a primitive Indian court.

To summarize; briefly, the weaknesses of our field matron work are lack of coordination in reservation activities, lack of comprehension of the office and agency authorities of the scope of the work; lack of law; no opportunity for promotion except by transfer; lack of supervision; no opportunity for the field matrons to have conferences; no proper supervision; leaving the direction of policies, etc., entirely to men in the office; lack of facilities in many places; lack of prestige; appropriation not separated but included with that for other activities.

There should be in the office a "welfare" section devoted to problems of women and children. This would coordinate with the field supervisory officer, would instigate and set in motion correlation with such agencies as the Children's Bureau, the activities of rural women in the Department of Agriculture, etc., etc., The literature sent out by these



agencies, is excellent, but not always adapted to our needs. For instance, when you consider that not more than two Indian women in a hundred do not nurse their babies and not more than two percent of the full-bloods will allow the presence at childbirth of a white physician you can see how we need to adapt what is prepared for the use of whites.

There should be a regular system of bulletining to field matrons all information for home-betterment. As it is now, not many circulars find their way to the field matrons, but are held in the agency offices.

The primary need is a separate appropriation by Congress to cover reasonable needs; second, that this appropriation should be sufficiently elastic in authority to enable us to build, equip, properly salary, promote, etc., third; a woman's or women's, voice in the policy and development of the work; fourth, securing good material and giving it preliminary training; fifth, recognition; sixth, the development of the community-centre.

Given conditions of work, and living, and fairly good pay, I have no fear that we cannot attract good material".



Not a person who heard Cato Sells, Commissioner of Indian Affairs, speak at the Indian School last evening but came away thrilled, enthused, and one might say electrified by his earnest words in behalf of the Indian.

The writer's first thought was "How did a man with such strong convictions for righteousness ever get the job?", with so much political pulling going on, and whatever President Wilson has or has not done for the Mexicans he certainly did his best for the Indians when he persuaded Cato Sells to take the Indian Commissionership.

- Rapid City( South Dakota) Journal.

Indian Timber.

FACTS AND SUGGESTED LEGISLATION  
relating to the  
CARE AND PROTECTION  
of  
INDIAN TIMBER.

## C O N T E N T S.

1. Table showing timber resources on Indian reservations having more than five million feet estimated stumpage; cost of care and protection thereof; population, and wealth of tribes.
2. Analysis of cost and method of administering timber resources under existing law, and remedy suggested.
3. Draft of proposed legislation.

TIMBER RESOURCES ON INDIAN RESERVATIONS

(Data is given only on Indian Reservations having more than five million feet estimated stumpage.)

States and Reservations.	Total quantity; (board feet)	Total estimated stumpage value.	Total cost of care & protection, 1912.	Amount apportioned for care & protection 1913.	Population.	Total valuation Individual Indians' and tribal property.
<b>ARIZONA:</b>						
Colorado River,	22,500,000	\$ 22,500.00	\$ 900.00	\$ 900.00	805	\$ 1,423,286.47
Fort Apache,	1,000,000,000	3,500,000.00	1,843.00	2,000.00	2,371	5,552,887.54
Navaho,	3,050,000,000	7,545,000.00	2,831.00	3,400.00	30,224	28,022,270.00
Pima,	10,000,000	65,000.00	200.00		3,996	2,506,249.17
San Carlos,	221,000,000	603,250.00	1,280.00	200.00	2,353	2,903,550.87
San Xavier,	6,500,000	6,500.00			4,555	2,021,415.00
Truxton Canyon,	25,600,000	76,800.00	1,000.00	100.00	433	974,070.79
<b>CALIFORNIA:</b>						
Fort Yuma,	24,000,000	16,800.00			803	654,087.74
Hopps Valley,	1,990,000,000	1,990,000.00	1,525.00	2,400.00	1,269	2,342,648.00
Round Valley,	175,000,000	263,500.00	903.75	1,255.00	1,342	818,611.09
Tule River,	13,000,000	65,000.00	900.00	1,110.00	2,103	263,265.52
<b>IDAHO:</b>						
Oceur d' Alene,	66,000,000	132,000.00	1,750.00	750.00	614	2,590,102.18
Fort Hall,	100,000,000	460,000.00			1,814	4,466,753.72
Fort Lapwai,	280,000,000	560,000.00	3,020.00	3,000.00	1,395	5,593,339.16
<b>MICHIGAN:</b>						
Chippewa, Lake Superior,	28,855,140	50,496.00			1,097	222,794.00
<b>MINNESOTA:</b>						
Fond du Lac,	35,000,000	350,000.00	2,193.00	900.00	922	1,152,893.73
Grand Portage,	8,000,000	43,000.00	150.00	1,000.00	316	585,871.21
Leech Lake,	46,680,500	304,143.00	1,220.00	3,300.00	1,715	1,605,110.53
Net Lake,	18,944,000	132,608.00	480.00	780.00	646	781,075.42
Red Lake,	138,968,000	1,200,480.00	720.00	400.00	1,436	3,479,749.27
White Earth,	217,358,560	1,082,793.00	3,458.00	6,800.00	5,768	8,018,842.89
<b>MONTANA:</b>						
Blackfeet,	80,000,000	120,000.00	1,050.00		2,616	9,376,893.36
Crow,	23,800,000	23,800.00	400.00	400.00	1,731	11,036,333.76
Flathead,	1,798,900,000	5,390,720.00	3,123.50	1,900.00	2,221	14,538,163.75
Fort Belknap,	96,000,000	192,000.00			1,183	4,366,537.51
Fort Peck,	80,000,000	60,000.00			1,633	10,145,996.14
Tongue River,	300,000,000	600,000.00	2,469.00	2,300.00	1,228	3,913,399.46
<b>NEW MEXICO:</b>						
Albuquerque						
Pueblo,	13,000,000	65,000.00			4,552	2,557,789.00
Jicarilla,	430,000,000	1,890,000.00	5,756.00	5,300.00	680	1,615,625.97
Mescalero,	1,500,000,000	4,500,000.00	333.00	1,650.00	452	5,267,349.76
Santa Fe						
Pueblos,	12,322,470	58,127.00	600.00	600.00	3,216	515,800.00
Zuni,	7,500,000	22,500.00			1,589	965,225.00
<b>NORTH CAROLINA:</b>						
Cherokee,	35,000,000	140,000.00			2,078	731,552.90
<b>NORTH DAKOTA:</b>						
Standing Rock,	50,000,000	250,000.00			3,389	17,420,668.57
Turtle Mountain	65,000,000	65,000.00			2,855	4,355,466.00
<b>OKLAHOMA:</b>						
Otoe,	9,000,000	63,000.00			435	2,362,957.10
<b>OREGON:</b>						
Klamath,	9,460,000,000	23,700,000.00	5,227.35	3,000.00	1,117	28,848,935.39
Roseburg,	1,600,000,000	1,800,000.00		1,080.00	3,000	2,493,347.00
Siletz,	217,000,000	217,000.00	450.00	650.00	429	729,749.11
Umatilla,	18,422,000	18,422.00	975.00	1,000.00	1,114	4,121,865.05
Warm Springs,	2,305,000,000	2,305,000.00	3,703.00	3,384.15	741	3,691,877.83
<b>SOUTH DAKOTA:</b>						
Pine Ridge,	30,000,000	150,000.00	2,340.00	1,620.00	6,859	15,894,674.74
Rosebud,	20,000,000	195,040.00	960.00	960.00	5,227	14,124,282.40
<b>UTAH:</b>						
Uintah & Ouray,	13,500,000	37,125.00	1,020.00	1,280.00	1,193	3,536,341.24
<b>WASHINGTON:</b>						
Colville,	3,421,570,000	5,132,355.00	4,513.25	4,220.00	2,261	21,761,089.36
Cushman,	5,041,649,180	5,041,648.00	1,900.00	1,400.00	3,460	7,098,434.14
Neah Bay,	279,000,000	279,000.00			787	404,159.72
Spokane,	806,970,000	1,210,455.00	751.00	2,109.00	849	2,231,693.05
Tulalip,	218,000,000	227,000.00		2,500.00	1,397	3,374,166.16
Yakima,	2,115,500,000	4,231,000.00	4,886.80	5,158.65	3,046	15,459,811.79
<b>WISCONSIN:</b>						
Hayward,	33,000,000	91,280.00		1,980.00	1,252	642,366.00
Keshena,	1,668,622,500	6,474,255.00	2,880.00		2,226	10,232,240.47
Lac du Flambeau	20,000,000	125,000.00	420.00	1,200.00	709	754,621.33
La Pointe,	171,000,000	1,092,270.00	821.00	1,890.00	1,185	4,154,119.00
Red Cliff,	20,000,000	40,000.00		932.00	425	266,902.00
<b>Totals</b>	<b>29,671,022,328</b>	<b>93,622,697.</b>	<b>70,372.65</b>	<b>15,016.80</b>	<b>133,833</b>	<b>205,974,265.</b>

Amount expended for care and protection of timber on smaller reservations, 1912, ---\$1,680.50.



ANALYSIS OF COST AND METHOD OF ADMINISTERING  
TIMBER RESOURCES UNDER EXISTING LAW,  
AND REMEDY SUGGESTED.

Previous to the Act of Congress of June 25, 1910, there was no general authority of law for the cutting and sale of timber on Indian reservations, except the cutting of such timber as was needed by Indians for the building of homes or as was necessary to clear lands for the purpose of  
GENERAL agriculture. Such Indian timber as was cut before  
STATEMENT that date was done by Special Act of Congress.

Prior to that date, special legislation for the disposal of Indian timber was confined practically to the States of Wisconsin and Minnesota and the expenses incurred by the Government in connection with the care, protection and sale of timber was therefore limited to those two States, and consisted chiefly in the employment of a general superintendent of logging and the employment of a few check scalers, to see that contractors lived up to their contracts. There was also a special provision of law for the establishment and operation of a mill for the manufacture of lumber on the Menominee reservation. This enterprise does not need attention in this discussion, for the reason that all expenses in connection therewith are paid from Indian funds. With the enactment of the law of September 25, 1910, the Indian Bureau began the organization of a force to protect and supervise the sale of timber on Indian reservations brought under the jurisdiction of the Secretary of the Interior by

the aforesaid Act of Congress. It is the expenses of administration of Indian timber under this Act and the correctness of the present policy of appropriations to meet those expenses, with which this discussion has to do.

Taking only Indian reservations having more than five million feet of estimated stumpage, there is estimated a total of 39,671,032,320 board feet; a total estimated stumpage value of \$83,682,647.00. The care and protection of the timber on these reservations cost the Government, out of gratuity appropriations, in the year 1912, \$70,372.65; out of the appropriation of 1913, there was apportioned up to December 1st for these purposes, \$75,016.80. The total valuation

ANALYSIS OF      of the property of the 133,833 Indians owning  
TIMBER RESOURC-      these timber resources was estimated on June  
ES AND COST OF      ADMINISTRATION.      30, 1912, at \$305,274,205.00. The costs of  
care and protection mentioned, do not include approximately \$30,000.00 a year, which is paid to district foresters, lumbermen and other investigating officers, and a forester and forestry clerks employed in the Indian Bureau in Washington. In short, in addition to expenses of general supervision, the Government is paying gratuities of approximately \$75,000.00 a year to employees stationed on Indian reservations, to protect Indian timber. Under existing law and practice, Indians owning these timber resources, estimated at \$83,682,647.00, have no voice whatever in the disposition or control thereof.

It seems hardly necessary even to suggest the need of change in legislative policy and practice; the table of statistics is eloquent on that subject. The idea of Indians with timber worth more than eighty millions of dollars having no voice whatever in the disposal or care thereof, is antagonistic to every principle of representative self-government.

That the Government should put its hand into its pocket to pay the expense of protecting and selling the timber of

**SUGGESTED CHANGES IN LEGISLATIVE POLICY.** Indians on such reservations, for example,

as Klamath, where their average per capita wealth is \$25,000.00; Colville, where it is nearly \$10,000.00; Yakima, where it is over \$5,000.00, and Warm Springs, Flathead and Navaho, where it is nearly as great, is equally subversive of correct principles of legislation and administration. For the Government to thrust upon Indians gratuitously the cost of handling their timber resources and at the same time depriving the Indians of any responsibility in connection therewith and of the means of educating themselves in the methods of taking care of their own property, is ~~absolutely~~ paternalistic and nothing less than a direct investment in pauperization.

The remedies for the present situation may be mentioned briefly. There should be a proviso added to the item **REMEDIES**, in the estimates for "Industrial Work and Care of Timber", for the fiscal year 1915, to the effect that,--

First: That the cost of timber administration, aside

from that of general supervision, should be charged against the proceeds of the timber when sold on the respective reservations, in connection with which said expenses are incurred,-

Second: That, before any timber is sold under the Act of June 25, 1910, or any other Act of Congress, the Indian owners thereof, shall be consulted and given an opportunity to express their views in writing, either through their tribal council or through a meeting of the majority of the adult members of the tribe,-

Third: That, before expenses are incurred by the Secretary of the Interior from the appropriation "Industrial Work and Care of Timber" and the apportionment of expenses among the several reservations made by him, the Indians shall be consulted in the manner above indicated.

The result of legislation along the lines above suggested, would result in an annual saving to the Government of approximately \$75,000.00 a year, and in the beginning of a policy of education and training of the Indians to meet the responsibility of handling and caring for their own timber resources.



DRAFT OF PROPOSED AMENDMENT TO THE ITEM,  
"INDUSTRIAL WORK & CARE OF TIMBER",  
IN THE ESTIMATES FOR 1915.

PROVIDED,- That the part of this appropriation used for the care, protection and supervision of the sale of timber on any Indian allotment or Indian reservation, shall be reimbursed to the Government from the proceeds of the sale of the timber when made, in connection with which the expenditure for said care, protection and supervision has been incurred, and for that purpose the Secretary of the Interior is required to report to Congress on the first Monday in December of each year the expenditures from this fund made in accordance with this provision, and

PROVIDED,- That, before any sale or disposal of Indian timber, in accordance with the provisions of the Act of June 25, 1910 or any other Act of Congress relating to the sale of Indian timber, shall be made by the Secretary of the Interior, he shall consult the Indian owners of said timber and give them opportunity to express in writing, their views respecting said proposed sale, either through the authorized business council of the tribe, or a majority of the male members thereof in general council, and

PROVIDED FURTHER,- That, before charging any part of this appropriation against the proceeds of the sale of timber when made of any tribe of Indians, for the care and pro-



DRAFT OF PROPOSED AMENDMENT TO THE ITEM,  
"INDUSTRIAL WORK & CARE OF TIMBER",  
IN THE ESTIMATES FOR 1915.

PROVIDED,- That the part of this appropriation used for the care, protection and supervision of the sale of timber on any Indian allotment or Indian reservation, shall be reimbursed to the Government from the proceeds of the sale of said timber when made, and that the Secretary of the Interior is required to report to Congress on the first Monday in December of each year the expenditures from this fund in accordance with this provision, and

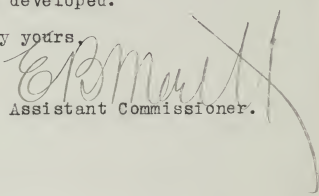
PROVIDED,- That, before any sale or disposal of Indian timber, in accordance with the provisions of the Act of June 25, 1910, or any other Act of Congress relating to the sale of Indian timber, shall be made by the Secretary of the Interior, he shall consult the Indian owners thereof and give them opportunity to express in writing, their views respecting said proposed sale, either through the authorized business council of the tribe, or a majority of the adult members thereof in general council, and

PROVIDED FURTHER,- That, before charging any part of this appropriation against the proceeds of the sale of timber when made of any tribe of Indians, for the care and protection or for the disposal of the timber of said tribe, the Secretary of the Interior shall consult said tribe and give it opportunity to express in writing, its views thereon, either through the authorized business Committee of the tribe, or a majority of the adult members thereof, in general council.

tection or disposal of the timber of said tribe, the Secretary of the Interior shall consult said tribe and give it opportunity to express in writing, its views thereon, either through the recognized business Committee of the tribe, or a majority of the male adult members thereof, meeting in general council.

If the legislation which the Office has suggested is enacted, efforts to sell lumber and other products direct to retail concerns will be further developed.

Very truly yours,

  
Assistant Commissioner.

3-FCT-2

Hon. Edward E. Ayer, of Board of Indian Commissioners,  
would like the following information at once. Address Railway  
Exchange Bldg., Chicago, Ill.

---

What promises or what talk has been spread amongst the  
Indians by Mr. Tyrrell and those associated with him as to what  
they could do for the Indian?

*There would be a change of Sept.  
in Neopit, Wis.*

Do you understand that the Contractors from whom the  
Government deducted certain moneys on "Blown down" should have  
their claims paid?

*Yes*

Do they say the Government is to pay these or is it to  
be paid out of tribal funds?

*Do not know*

Do you understand from talk generally circulated by them  
that a million dollars of Indian money has been wasted?

*Over a million Dollars.*

Do they claim to be able to secure payment to the tribe  
of certain claims known as the Stockbridge two mile strip claim?

*Do not know.*

*✓*

Do they claim to be able to secure to the tribe Sections 16 and swamp lands now claimed by State and which question is now before Supreme Court? *no*

Do they claim to be able to secure annuity payments to the tribe? *Yes \$50<sup>00</sup> a head; if not \$30<sup>00</sup> a head*

What promises in general do you gather have been made by Mr. Tyrrell or any of his associates that tends to curry favor with the Indian either for or against any one, or on behalf of any one?  
*. Do not know.*

What do you gather is meant by various statements or gossip circulated that money is being wasted on the Neopit operation?

*Waste of Timber mostly. Too much cull lumber.  
Too many high salaried employees.*

*Peter Lookaround*

Please answer fully as you can.



EXTRACTS FROM THE MINUTES OF THE MEETING  
OF THE BOARD OF INDIAN COMMISSIONERS HELD AT MOHONK  
LAKE ON OCTOBER TWENTY-SECOND.

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The question of proposed field investigations was introduced by Chairman Vaux. Commissioner Eliot expressed the view

PROPOSED FIELD INVESTIGATIONS that the Board should take up some definite and important investigations in the field, and at as early a date as possible. This view was unanimously approved. Commissioner Eliot suggested the Menominee Indian Reservation and the large lumber manufacturing plant at Neopit, Wis., as one important matter which he thought the Board should be thoroughly familiar with, and suggested Commissioner Ayer as the best member of the Board, because of his extensive experience in business enterprises of this kind, to make the investigation. Accordingly the Secretary was instructed to notify Commissioner Ayer that it was the wish of the Board that he find opportunity to make the proposed investigation.

The need of thorough field investigations by the Board of the affairs of the Navaho, Utes, Papago, Pueblo and Mescalero Apaches was thoroughly discussed, and it was decided to request Commissioners Eliot and Ketcham at the earliest possible date to make a trip to investigate particularly Navaho, Papago, Pueblo and Mescalero Apache affairs. Commissioner Smiley, who indicated his purpose to spend the winter in California, was requested to make a thorough investigation of allotment conditions on the Malki Reservation near Banning, Cal., and of the Riverside Indian School.

MEMORANDUM

for

Members of the Board of Indian Commissioners.

I have been much interested in the reading of the recent annual report of the Commissioner of the Five Civilized Tribes and the Superintendent of the Union Agency, and have requested that copies be sent to all members of the Board. It is understood here in Washington that Commissioner Wright and Superintendent Kelsey will be continued in their present positions until after Congress convenes. How this has been or can be legally done under the law specifically providing for the appointment on September 1 of a superintendent of the Five Civilized Tribes is a question I have not yet been able to find the answer to.

-----

I was notified this morning from the Interior Department that the Forty-fifth Annual Report of the Board is printed, but that it will not be available for distribution until December 15, after the report of the Secretary of the Interior is made public. Copies for members of the Board, however, will be secured Monday and will be mailed immediately upon receipt.

*F. H. Abbott.*

*Secretary Board Indian Commissioners*

MEMORANDUM

for

Members of the Board of Indian Commissioners.

The following letter received this morning from the Office of the Secretary of the Interior is called to the special attention of the Members of the Board:

"Mr. F. H. Abbott, Secretary,

Board of Indian Commissioners.

My dear Mr. Abbot:

There are forwarded to you herewith ten (10) copies of the annual report of the Board of Indian Commissioners. These copies are forwarded for the use of the members of the Board, but they are not to be made public until after December 15. The report may be made public on any date after December 15, except December 17.

Sincerely yours,

(Signed) D. F. Schneckebier.

Clerk in Charge of Publications."

A copy of the report is being mailed today with the above information.

(Signed) *F. H. Abbott.*

Secretary.

My understanding is that Tyrrell has promised to get for the old soldiers one dollar a day, and was to help the tribe all through, for their benefit. I did not see the letter but heard Lapromboise report that the tribe was to receive \$40 per capita this winter if we hired Tyrrell. About \$200 was raised around Keshena and given to Tyrrell, but it is understood that he is working for the tribe and this money is to be paid back to the ones who loaned it.

Tyrrell had pictures showing the waste of timber on the reservation, and reported that he had investigated and found the mill at Neopit to be losing money. He promised he would have the laws changed, so it would not lose any more.

The reason I think the mill is losing money is because we do not get any more annuities; like we used to, when we ask for it. If the annuities were paid I would think the mill was making money.

Tyrrell also said he would work to get back the swamp and school lands which the state is taking from us.

Tribal members claim there is too much money being spent for roads, houses in Neopit, dairy barn at the Keshena school, and for other buildings; the tribal members think this should not be spent this way. It would be better to pay it to the Indian in annuities. *His*

*witnesses to name:*  
*Francis M. Badger*  
*Jora E. Marble*

*Henry Mellett*

Statement made in the presence of

*H. Marble*  
Assistant Superintendent.

*Mark*

✓

1147

B R I E F  
O N  
INDIAN IRRIGATION.

Prepared under the direction of  
THE BOARD OF INDIAN COMMISSIONERS.

George Vaux, Jr., Philadelphia, Chairman.  
Merrill E. Gates, Washington, D.C.  
William D. Walker, Buffalo, N. Y.  
Warren K. Moorehead, Andover, Mass.  
Samuel A. Eliot, Boston, Mass.  
Frank Knox, Manchester, N. H.  
Edward E. Ayer, Chicago, Ill.  
William H. Ketcham, Washington, D. C.  
Daniel Smiley, Mohonk Lake, N. Y.  
Isidore B. Dockweiler, Los Angeles, Cal.

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By:

F. H. ABBOTT,  
Secretary.



## C O N T E N T S.

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3. Statistics and digest of legislation, relating to projects constructed and maintained for the most part from appropriations reimbursable from Indian funds. (See index of projects, page 18),....	18 - 50
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COMMENTS ON  
IRRIGATION LAW AND ADMINISTRATION  
ON  
INDIAN RESERVATIONS.

COMMENTS ON IRRIGATION LAW AND ADMINIS-  
TRATION OF INDIAN RESERVATIONS.

The reclamation of arid lands on Indian reservations by irrigation, to provide better homes for Indian families and to bring to them the benefits of civilized society through the agricultural development of their lands, is one of the most beneficent policies the Government has ever inaugurated in dealing with their affairs. Full credit should be given to Senators and Congressmen and administrative officers of the Government who have had to do with the enactment of laws and the securing of appropriations to carry out this policy; the motives of legislators unquestionably have been benevolent and patriotic, and the work of the Government engineers and other officials, who have constructed the projects, has been honest and comparatively efficient and economical. However, a careful examination of Indian irrigation laws and conditions prevailing in connection with their administration, reveals defects, which need remedy. It is no reflection upon the high motives of those responsible for present law and present conditions that these defects exist. It was a new legislative and administrative field. Irrigation laws were not uniform in the several states. Conditions varied on different Indian reservations. The legislation was necessarily experimental. Nevertheless, the defects are serious; they

should be faced frankly and the remedies needed should be applied promptly to preserve the good in the existing order of things and eliminate the bad before greater harm results.

Lack of uniformity in Indian irrigation laws; lack of utilization by Indians of their irrigated lands; lack of a voice on the part of the Indians in the expenditure of their funds for the construction and maintenance of their irrigation projects; and failure to individualize the reclamation costs by charging them against the lands benefited are the most serious fundamental defects of the present situation.

Approximately nine million dollars have been expended for the irrigation of Indian lands. About seven millions of this amount have been charged to tribal funds and the balance expended from gratuity appropriations made by Congress. About six hundred thousand acres of irrigable Indian lands have been brought under ditch. Of this area less than one hundred thousand acres are being irrigated by Indians, while a large part of the area thus irrigated is not farmed but is used to produce hay crops.

eral  
tment.

And, notwithstanding the fact that either tribal or Government funds have been used to irrigate these lands, on all except three reservations, when patents in fee are issued to Indian allottees and in every case where their lands are sold under the

supervision of the Government, either the individual Indian, who sells the land, or the purchaser thereof puts in his pocket the value of the water right for which the tribe or the Government has paid; and, not only are the members of the tribe not consulted with respect to the expenditure of their money, which ultimately passes in this manner either to the individual allottee or to the white purchaser of his land, but the individual whose land is benefited is given no opportunity to assume any responsibility in connection therewith or to appreciate the value of the benefit conferred, while the free water right thus secured by the individual Indian offers a constant inducement to him to part with his land.

Some striking illustrations of the lack of utilization of irrigable Indian lands may be found on the following reservations: On the Crow reservation where irrigation ditches have been completed for more than ten years and where the total area, under constructed ditches is estimated at 68,756 acres, only 11,376 acres are irrigated by Indians and most of this is irrigated for hay crops; on the Flat Head reservation the present irrigable area is estimated at 38,000 acres, but only 1,088 acres are irrigated by Indians; on the Fort Kelknap reservation, out of 22,000 acres under ditch, 7,670 acres are irrigated by Indians; on Fort Hall reservation Indians irrigate only 3,300 acres out of present irrigable area of 35,000 acres; on the Wind River reservation the Indians are irrigating



approximately 5,000 acres out of a total irrigable area of 35,000 acres and most of this area is irrigated for hay crops; on the Uintah reservation, out of a total irrigable area of 87,880 acres, the Indians are irrigating approximately 6,000 acres; on the Yakima reservation, where the present irrigable area is 54,000 acres, the Indians are irrigating 5,350 acres, and at Yuma the Indians are irrigating approximately 200 acres out of an irrigable area of 1,000 acres. In the reservations of the Southwest, the showing of utilization of irrigable lands is very much better.

The lack of utilization noted in the foregoing paragraph is serious enough from an industrial standpoint, but it is fraught with peculiar dangers in the case of the reservations where the water rights are subject to the operation of State law. On the Fort Hall reservation, Idaho, beneficial use must be made of the water for the irrigable lands prior to the year, 1916, in order to prevent the appropriation of the water by other water users; on the Wind River reservation in Wyoming, beneficial use must likewise be made before 1916, and on the Uintah reservation, Utah, beneficial use must be made before 1919. The total investment in the construction of irrigation ditches and the purchase of water rights on these three reservations amounts to approximately two millions of dollars, and, in the case of the Wind River and Uintah reservations, the expenditure has been made from Indian funds.

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Lack of proper utilization cannot be charged to the indolence of the Indian. The present system is doubtless responsible for an undue lack of interest and indifference on his part; he has not been consulted in advance of the expenditure nor has he understood its intimate, individual interest therein; the cost of the construction and the expense of maintenance on the basis of each acre irrigated, have not been explained and brought home to him, nor has he realized the value, in dollars and cents, of the benefit. In many cases irrigation on Indian reservations has resulted primarily from a perfectly natural and normal demand of white settlers, either for the opening of settlement of irrigable lands on Indian reservations or for obtaining water from streams flowing through Indian reservations for the irrigation of their lands on the outside; and, in these cases, the construction of irrigation projects has often preceded the proper preparation of the Indians to utilize the projects and often has preceded the development of transportation facilities necessary to market the products of the land irrigated; in the case of many of the large reservations in the Northwest, irrigation has been brought to Indians unskilled in the art of irrigation, strangers to the art of agriculture, trained for generations to the exciting life of the chase, having no knowledge of any of the pursuits

of modern civilized life except a somewhat general knowledge of the raising of cattle and horses. Generally, however, this premature development of irrigation has had sufficient justification in the necessity of such development to preserve the rights of the Indians to the water.

One of the chief reasons for the failure of the Indians, on the reservations mentioned, to utilize their irrigable lands has been the failure to provide appropriations necessary to enable them to buy teams and tools and other equipment, without which the utilization of their lands is impossible. The main thought apparently has been to build the ditches and with rare exceptions no provision has been made to use tribal funds money or credit to reclaim lands. for any other purpose than that of reimbursing the Government for the cost of construction of the project. At the same time the Indian has lacked the credit which is available to the white settler living under similar conditions necessary to help himself. Through the policy of reimburseable appropriations, established during the last few years, Congress has begun to prepare a remedy for these conditions. But, on a majority of the reservations mentioned above, Indians are still in a position where they have to sit idly by and witness the expenditure of their own funds in the construction and maintenance of irrigation ditches, which, under present conditions they

cannot use, and in the expenditures for which they have no voice, unable to utilize their lands though they have more than ample resources in their undeveloped lands to secure the Government for the advance of every dollar need by them to make productive use thereof.

Another reason for the lack of adequate utilization of Indian lands may be found in the failure to adjust the size of the allotment of irrigable land to the conditions of soil and climate and the industrial habits and needs of the Indians. While in the Southwest, in the Colorado River and Yuma reservations, and several others, allotments have been made in ten acre tracts, and, in some cases, smaller, suitable to the methods of intensive agriculture practiced in that section of country, this policy has been lacking almost universally in the reservations of the Northwest where in most cases irrigation has followed allotment, and when allotment was made, usually under the provisions of the General Allotment Act, consideration was not given the question of possible future irrigation. Consequently the allotment of eighty acres to each man, woman and child is found under the irrigation projects on the Yakima, Uintah, Crow, Wind River, Flathead and Southern Ute (diminished) reservations, while on Blackfoot and Fort Peck, the size of the allotment is forty acres and on Fort Hall, forty acres to each head of family and twenty acres to each other member of the tribe. Take the Uintah and Wind River reservations, for example, where beneficial use is required by State law in order to protect the water rights. The average family of five members would have



four hundred acres of irrigable land. The average white family in the same section of the country cannot utilize satisfactorily over eighty or at the most one hundred and sixty acres of the same land. How can an Indian family unassisted, and especially without money or credit, to buy tools and equipment, be expected to reclaim four hundred acres of land?

The remedies needed will be suggested briefly as follows:

Remedies.

1. General legislation that will charge the individual land benefited with the cost of construction and maintenance; payment to be made out of the share in the tribal fund of the individual whose land is benefited or from the proceeds of the sale of the land when it passed from Indian ownership where the share of the individual in the tribal fund is insufficient.
2. The general legislation suggested in the above paragraph should provide that the tribe, whose funds it is proposed to use for the construction of irrigation projects, shall be first consulted.
3. The proposed general legislation should also provide for charging of costs of maintenance and operation against the lands under the project and should give the Indians whose lands are benefited a voice in said maintenance and



operation.

4. In order not to overburden irrigated Indian lands by the legislation suggested, especially since the Indians have not heretofore been consulted, the costs of supervisory engineering and of experimental construction and cost of investigations and preliminary surveys should be excluded from the charges made against the lands and paid from gratuity appropriations.

5. Reimbursable appropriation from tribal funds should be made immediately for all Indian reservations where the utilization of irrigable lands has not kept pace with the construction of irrigation projects through lack of funds in the hands of individual Indians to make such utilization possible.

6. Skilled irrigation farmers should be provided out of gratuity appropriations to give advice and assistance to Indians having irrigable lands.

The enactment of the legislation suggested would affect the estimates for irrigation for the year, 1915, in the Indian bill now before Congress as follows: It would change the following specific items from gratuity to reimbursable items:

Pima (Maintenance)	\$10,000.00
Papago (construction and maintenance)	50,000.00
Fort Mojave (construction and maintenance)	5,000.00
Nomadic Papgo (construction)	35,000.00
Navajo (domestic and stock)	50,000.00
Fert Hall (maintenance)	40,000.00
Modoc Point (maintenance)	4,740.00
	<u>\$195,340.</u>

It would make reimbursable, when the lands in question pass from Indian ownership, all items included in the estimate of \$345,700 "for irrigation Indian reservations, 1915" in the pending Indian bill, except those to pay the salaries and expenses of supervisory engineers, the costs of experimental construction and of preliminary surveys, amounting to approximately \$200,000.

In addition to this ultimate saving of approximately \$400,000 to the Government in the pending Indian bill and similar savings in future Indian bills, the effect of the proposed legislation would be to make reimbursable to the Government large sums heretofore appropriated, when the lands in question pass from Indian ownership; and to make reimbursable to Indian tribes large sums heretofore expended from tribal funds to irrigate the lands of individual Indians, in excess of the pro rata shares of the individuals whose land has been benefited.

There are several Indian irrigation projects now being constructed and maintained out of gratuity appropriations which should be paid for from tribal funds. There is no reason why the cost of irrigation and water development for the Navaho Indians should be paid for out of gratuity appropriations. The aggregate individual and tribal property of these Indians is estimated at \$28,022,270.00, nearly \$1,000.00 per capita. This estimate does not include their immense coal properties, estimated by the Geological Survey at 16,700,000,000 tons; they have also \$7,500,000.00 worth of timber. The gratuity items in the pending Indian bill for

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surveys and maintenance of ditches on the Klamath Indian reservation, in Oregon, should likewise be changed to reimbursable items. The aggregate individual and tribal resources of the Indians on this reservation are estimated at \$28,846,935.39 or \$25,824 per capita.

gratuity items which	More than ten billion feet of their timber is
ould be reimbursable	mature and ready for the market. In like manner
on tribal funds.	the gratuity appropriations for irrigation on
	the Southern Ute reservation should be made reimbursable from tribal
	funds. Besides their allotments and treaty annuities these Indians
	have a pro rata interest in a fund of three millions of dollars in
	the Treasury to their credit.

A glance at the digests of legislation relating to irrigation on the various Indian reservations in the following pages will show the need of harmonizing all future legislation and methods of administration. In some cases construction and maintenance are provided for out of gratuity appropriations; in others, out of appropriations

ing methods of	from tribal funds; in others, construction is to be
enditure for	paid for out of the sale of water rights and main-
struction and	tenance is provided out of gratuity appropriations;
aintenance.	

in many, construction is provided for out of tribal funds and no provision whatever made for maintenance; in one case provision is made whereby maintenance is to be under the direction of the holders of water rights after a major part of the land under the project passes to white ownership. In several cases provision is made whereby the

Indians may reclaim their lands under reclamation projects in accordance with the Reclamation Act. In one case at Pyramid Lake, Nevada, five acre allotments are provided for and reclamation under the Reclamation Act is made obligatory. In another case at Yakima, Indians may sell a portion of their lands and come under the Reclamation Act upon their election so to do. These illustrations of differences of method of handling the questions of construction and maintenance on different Indian reservations could be increased.

The right of the Indians to a voice in the expenditure of their funds in the irrigation of their lands is a fundamental one and should not longer be ignored. On the other hand there is no obligation on the part of this Government to pay out gratuitously one dollar for the irrigation of the land of an individual Indian, who has ample means of his own for this purpose. Not only that, but every dollar so invested, by depriving the individual Indian, benefited, of the responsibility connected with the acquisition of the benefit and of the opportunity of appreciating the money value thereof, is a lesson in demoralizing paternalism and an investment in pauperism. To use the funds of an Indian tribe without its consent to confer benefits upon the individual members thereof and through such individuals often to drain the tribal resources into the pockets of white men is still less defensible.

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RECAPITULATION OF STATISTICS

CONCERNING

INDIAN IRRIGATION PROJECTS.



## RECAPITULATION.

Acres.

TOTAL AREA, IRRIGABLE LANDS ON INDIAN RESER-  
TIONS, 1912: ----- 1,763,654

Alotted, ----- 745,351

Unallotted, ----- 1,018,303

AREA OF INDIAN LANDS UNDER DITCH: (estimated  
by Chief Irrigation Engineer, Indian  
Service), ----- 625,000

IRRIGATED LANDS ON INDIAN RESERVATIONS,  
1912, ----- 302,544

Alotted, ----- 220,484

Unallotted, ----- 82,060

AREA IRRIGATED LANDS ON INDIAN RESERVATIONS,  
FARMED BY INDIANS:  
Less than ----- 100,000

AMOUNT EXPENDED TO JUNE 30, 1913, ON IRRIGATION PROJECTS:

From "Reimbursable" Appropriations,-----\$	6,736,840.93
" " "Gratuity" " " "-----	<u>2,873,519.96</u>
Total -- \$	9,610,360.89

VALUATION OF PROPERTY, (INCLUDING FUNDS IN BANK) OF INDIVIDUAL INDIANS' 1912, ON RESERVATIONS WHERE IRRIGATION PROJECTS HAVE BEEN CONSTRUCTED:

From "Reimbursable" Appropriations,-----\$	37,082,322.00
" " "Gratuity" " " "-----	<u>16,667,725.02</u>
Total -- \$	53,950,047.02

VALUATION OF TRIBAL PROPERTY, 1912, (INCLUDING TRIBAL FUNDS IN TREASURY AND TIMBER RESOURCES), ON RESERVATIONS WHERE IRRIGATION PROJECTS HAVE BEEN CONSTRUCTED:

From "Reimbursable" Appropriations,-----\$	68,842,099.87
" " "Gratuity" " " "-----	<u>45,661,472.87</u>
Total -- \$	114,503,572.84

NOTE:

The statistics for this report are not entirely uniform and I am not sure of their accuracy in every case, but they constitute the best information available. I have taken data from the report of the Chief Engineer of the Indian Service for June 30, 1913, for expenditures covered by that report, for other expenditures, the Commissioner's Annual Report for June 30, 1913, has been consulted.

STATISTICS AND DIGEST OF LEGISLATION

RELATING TO

PROJECTS CONSTRUCTED AND MAINTAINED FOR THE MOST PART FROM

APPROPRIATIONS REIMBURSABLE

FROM

INDIAN FUNDS.

ARIZONA:

Colorado River, ----- 22-24

CALIFORNIA:

Yuma, ----- 48-50

IDAHO:

Fort Hall ----- 31-34

MONTANA:

Blackfeet, ----- 19-21

Crow, ----- 25-26

Flathead, ----- 27-28

Fort Belknap, ----- 29-30

Fort Peck, ----- 35-37

OREGON:

Klamath, ----- 36-39

UTAH:

Uintah, ----- 42-44

WASHINGTON:

Yakima, ----- 45-48

WYOMING:

Shoshone (Wind River), ----- 40-41

## BLACKFEET, MONTANA.

POPULATION -----2,500

AREA OF RESERVATION -----959,644 acres.

Allotments approved, 1800 acres, Nov. 3, 1913.

Allotments in field completed.

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,

(including funds in bank), -----\$5,721,950.00

VALUATION, TRIBAL PROPERTY, 1912,

(including tribal funds in  
treasury and timber resources), ----- 3,654,943.36

Total -----\$9,376,893.36

AMOUNTS PER CAPITA TO, \$3,750.76

### IRRIGATION DATA:

Estimated cost of completed irrigation

project, -----\$3,000,000.00

Estimated area of completed irrigation

project, -----(acres), 122,500

Amount expended to June 30, 1913, -----\$ 630,321.99

Area irrigable from constructed works, ----- 10,800 acres

Irrigated by Indians, ----- None

" " Whites, ----- "

Estimated value, irrigated land, -----\$30.00 per acre

### L e g i s l a t i o n .

#### 1. Blackfeet Agreement.

\*\*\*\* Such sums, or so much thereof as may be necessary in any one year, shall be expended \*\*\* in assisting the Indians to build and keep in repair their houses, inclose and irrigate their farms, and in such other ways as may best promote their civilization and improvement.

Article VII. It is further agreed that whenever, in the opinion of the President, the public interests require the construction of railroads or other highways, telegraph and telephone lines, canals and irrigating ditches, through any portion of this reservation, right of way shall be and is hereby granted for such purposes, under such rules, regulations, limitations, and restrictions as the Secretary of the Interior



may prescribe; the compensation to be fixed by said Secretary and by him expended for the benefit of the Indians.

Act, June 10, 1896, (29 Stat.L.355-356)

2. \*\*\*\* That there shall be allotted to each member forty acres of irrigable land and two hundred and eighty acres of additional land valuable only for grazing purposes; or, at the option of the allottee, the entire three hundred and twenty acres may be taken in land valuable only for grazing purposes, respectively, and for constructing irrigating systems to irrigate the aforesaid allotted lands, three hundred thousand dollars, one hundred thousand dollars of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservations: Provided, that the Indians and the settlers on the surplus land, in the order named, shall have a preference right for one year from the date of the President's proclamation opening the reservation to settlement, to appropriate the waters of the reservation which shall be filed on and appropriated under the laws of the State of Montana, by the Commissioner of Indian Affairs on behalf of the Indians taking irrigable allotments and by the settlers under the same law. At the expiration of the one year aforesaid the irrigation system constructed and to be constructed shall be operated under the laws of the State of Montana, and the title to such systems as may be constructed under this Act, until otherwise provided by law, shall be in the Secretary of the Interior in trust for the said Indians, and he may sue and be sued in matters relating thereto: And provided further, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Montana: And provided further, That when said irrigation systems are in successful operation the cost of operating the same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deduction being made for the amounts received from the disposal of the lands within the reservation aforesaid: Provided, That the right to ~~use~~ the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure and the limit of the right.

Act, March 1, 1907, (34 stat.L.1015)



3. For construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian reservation in Montana and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, two hundred thousand dollars: Provided, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the provisions of the Act of March first, nineteen hundred and seven.

Act, April 4, 1910, (36 Stat.L.269-277)

4. Appropriation, \$150,000, reimbursable, "for continuing construction of first unit", according to provisions, paragraph 3, supra.

Act, March 3, 1911, (36 Stat.L.1058-1068)

5. Appropriation, \$100,000, reimbursable, see paragraph 3, supra.

Act, Aug. 24, 1912, (37 Stat.L.518-526)

6. Appropriation, \$150,000, reimbursable, supra.

Act, June 30, 1913, (Public No.4 15)

7. Estimate, \$50,000, reimbursable, supra, pending Indian Bill, 1915.

COLORADO RIVER, ARIZONA.

POPULATION -----500

AREA OF RESERVATION -----240,640 acres.

Allotments approved,---- None

Allotments in field 5100 acres, during fiscal year 1914.

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(including funds in bank), -----\$ 13,400.00

VALUATION, TRIBAL PROPERTY, 1912,  
(including tribal funds in  
treasury and timber resources),----- 1,469,986.47

Total -----\$1,483,386.47

AMOUNTS PER CAPITA TO,-----\$2,966.77

IRRIGATION DATA:

Estimated cost of completed irrigation  
project, -----Not known  
Estimated area of completed irrigation  
project, -----6,000 acres  
Amount expended to June 30, 1912, -----\$170,896.72  
Irrigated by Indians, -----450 acres  
" " Whites, -----None  
Estimated value, irrigated land, -----\$200 per acre  
Area irrigable from constructee works,-----800 acres

L e g i s l a t i o n .

1. Appropriation, (Gratuity) \$50,000, "for completing the construction of irrigating canal on the Colorado River reservation in Arizona".

Act, July 27, 1868, (15 Stat.L.198-222)

2. (Collecting and locating the Colorado River Indians in Arizona) Appropriation, \$20,000, supra.

Act, May 29, 1872, (17 Stat.L.165-188)

3. Provision for allotment of five acres of irrigable land to each Indian on the reservation, and the Secretary of the Interior authorized "to divert the waters of the Colorado River and to reclaim, utilize, and dispose of any lands in said reservations which may be irrigable by such works in

like manner as though the same were a part of the public BOMAIN", and the remainder of the irrigable lands disposed of to settlers under the provisions of the Reclamation Act, said settlers to be required to pay an additional sum which shall fairly represent the value of the unallotted land before reclamation, such additional sum to be paid into the reclamation fund and used to pay the charges for the reclamation of "said allotted lands, and the remainder thereof shall be placed to the credit of said Indians" and expended for their benefit under the direction of the Secretary of the Interior.

Act, April 21, 1904, (33 Stat.L.324)

4. Additional area of forty acres for station grounds granted to the Arizona and California Railway Co., subject to right of the Government to cross with canals, etc.

Act, March 16, 1906, (35 Stat. L.43)

5. "For the construction of a pumping plant to be used for irrigation purposes", for the "utilization of water in connection therewith, for the irrigation of approximately 150,000 acres of land, \$50,000, to be reimbursed from the sale of the surplus lands of the reservation".

Act, April 4, 1910, (36 Stat.L.372)

6. An Act to authorize the Chuacawalla Development Co., to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.: also a diversion intake dam at or near Black Point, Ariz., and Blythe, California.

Act, February 15, 1911 (36 Stat.L.909)

7. Act of April 21, 1904, see paragraph 3, supra, amended as follows: "Provided, That there shall be reserved for and allotted to each of the Indians belonging on said reservation, ten acres of the irrigable land", and \$18,000, reimburseable from the sale of surplus lands or from any other funds that may become available appropriated "to defray the cost of the irrigation of the increased allotments.

"Provided further, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth thereon, which

said lien, however, shall not be enforced so long as the original allottee or his heirs, shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior or of the officer, agent or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.  
Act, March 3, 1911, (36 Stat.L.1063)

8. An Act to authorize the Greeley-Arizona Irrigation Co., to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Arizona.  
Act, March 3, 1911, (36 Stat.L.1081)

9. Appropriation, \$35,000, reimbursable, see paragraph 5, supra.  
Act, August 24, 1912, (37 Stat.L.518-523)

10. Appropriation, \$25,000, reimbursable, available until expended. See paragraph 5, supra.  
Act, June 30, 1913, (Public No.4,9)

11. Estimate in pending Indian Bill, \$17,000. See paragraph 5, supra.



CROW, MONTANA.

POPULATION -----1,731

AREA OF RESERVATION -----2,313,213 acres

Allotted,-----479,832, Nov. 3, 1913.

Unallotted,----1,833,381

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(including funds in bank), -----\$ 4,963,026.00

VALUATION, TRIBAL PROPERTY, 1912,  
(including tribal funds in  
treasure and timber resources),----- 6,073,227.76

Total -----\$11,036,323.76

AMOUNTS PER CAPITA TO,---\$6,375.69

IRRIGATION DATA:

Estimated cost of completed irrigation  
project, -----\$ 1,153,565.11  
Estimated area of completed irrigation  
project, ----- 70,000 acres  
Amount expended to June 30, 1913, -----\$ 1,133,565.11  
Area irrigable from constructed works,---- 68,756 acres  
Irrigated by Indians, ----- 11,376 "  
" " Whites, ----- 5,864 "  
Estimated value, irrigated land, -----\$33.00 per acre

L e g i s l a t i o n .

1. Crow agreement. \$946,000, consideration for ceded territory. "\$200,000 to be expended under the direction of the Secretary of the Interior, in the building of dams, canals, ditches, and laterals for the purpose of irrigation in the valleys of the Big Horn, Little Big Horn Rivers", Pryor Creek and other streams - "Not to exceed \$50,000 to be expended annually in performing this work". "The sum of \$75,000 is hereby appropriated and set apart as an irrigating fund, to be expended under the direction of the Secretary of the Interior for the maintenance and management of the system".

Act, March 3, 1891, (26 Stat.L.989)

2. "With the consent of the Crow Indians in Montana, to be obtained in the usual way, the Secretary of the Interior, in his discretion, may use the annuity money due, or to become due



said Indians, to complete the irrigation system.

Act, March 1, 1899, (30 Stat.L.947)

An identical provision in Act of June 8, 1900, (31 Stat.L.676)

3. Amended Crow agreement. \$90,000 appropriated for extension and completion of irrigation system; \$100,000 to be deposited in Treasury, "to the credit of the Crow Indians as a trust fund, the same to remain in the Treasury for fifteen years" and draw four per cent interest to be expended by the Secretary of the Interior in "maintaining and managing said irrigation system", fund to be disposed of at end of fifteen years "as the Indians, with the consent of the Secretary of the Interior may determine".

Water from streams on ceded portion needed to irrigate "land actually cultivated and in use shall be reserved for the Indians now using the same so long as said Indians remain where they now live".

Provision also for irrigation on ceded portion under Reclamation Act.

Act, April 27, 1904, (33 Stat.L.352)

4. Another Act relating to irrigation on ceded portion of reservation.

Act, March 3, 1903, (35 Stat.L.798)

FLATHEAD -- MONTANA.

POPULATION, ----- 2,281.

AREA OF RESERVATION, ----- 228,227 Acres.

Allotted -----	228,227
Agricultural lands, 171,152	
Grazing " 57,075	
Unallotted, -----	None.

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
    (including funds in bank), ----- \$5,102,536.00

VALUATION TRIBAL PROPERTY, 1912, (including  
    tribal funds in treasury and  
    timber resources), ----- 9,455,827.75

                                Total ----- \$14,538,363.75

AMOUNTS PER CAPITA TO ----- \$6,374.00

IRRIGATION DATA:

Estimated cost of completed irrigation project, -----	\$6,000,000.00
Estimated area " " " " -----	152,000 Acres
Amount expended to June 30, 1913, -----	1,214,561.78
Area irrigable from constructed works, -----	38,000 Acres
Irrigated by Indians, -----	1,088 "
" " whites, -----	2,278 "
Estimated value, irrigated land -----	\$100 per "

LEGISLATION.

1. Flathead allotment Act: One half of proceeds of sale of surplus to be expended in discretion of Secretary of the Interior, for the benefit of Indians "including the Lower Pend d'Oreille or Kalispel thereon at the time this Act shall take effect, in the construction of irrigation ditches, the purchase of stock cattle, farming implements, or other necessary articles to aid the Indians in farming and stock raising and in education and civilization".

Act, April 23, 1904, (25 stat. L - 305).

2. Amendment above Act: "Nothing in this Act shall be construed to deprive any of said Indians, or said persons or

corporations to whom the use of land is granted by this Act, of the use of water appropriated and used by them for the necessary irrigation of their lands, etc."

Act, June 21, 1906, (34 stat. L - 354).

3. Appropriation, \$50,000., reimbursable, from proceeds sale of lands "for preliminary surveys, plans and estimates of irrigating systems" for allotted and unallotted lands to be disposed of under Act, April 23, 1904.

Act, April 23, 1904, (35 sta. L - 83).

4. Appropriation, reimbursable from sale of lands, \$250,000., "for the construction of irrigation systems", including necessary surveys etc., paragraph 3, supra.

Act, April 4, 1910, (36 stat. L - 277)

5. Provision for the sale, under rules and regulations prescribed by the Secretary of the Interior, "of not to exceed 60 acres of each individual allotment of lands" ---- "which are or may be irrigable lands", one half the proceeds paid to the Indians in trust, the other half to be held in trust by Government at 3 per cent.

Provision for lien allotments to Indians allotted with-in power or reservoir sites upon request of Indian allottee and in case of neglect or failure of allottees to select lien allotments, the Secretary of the Interior "authorized to bring action under the provision of the laws of the State of Montana to condemn and acquire title" to such lands.

Act, April 12, 1910, (36 stat. L - 297).

6. Appropriation, \$400,000., same as paragraph 4, supra.

Act, March 3, 1911, (36 stat. L, 1058 - 1064).

7. Reservation of lands below a line 9 feet above high water mark adjacent to Flathead Lake, for storage for irrigation and power purposes.

Act, August 24, 1912, (37 stat. L. 527).

8. Appropriation, \$325,000, same as paragraph 4, supra.

Act, June 30, 1913, (Public No. 4, 15).

9. Estimated \$100,000., same as paragraph 4, supra, fiscal year 1915.

# FORT BELKNAP -- MONTANA.

POPULATION, ----- 1,183.

AREA OF RESERVATION, ----- 497,600 acres.

    Allotted, ----- None  
    Unallotted, ----- 497,600  
    Agricultural lands, 89,600  
    Grazing " 408,000

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
    (including funds in bank), ----- \$ 150,207.60

VALUATION TRIBAL PROPERTY, 1912, (including  
    tribal funds in treasury and  
    timber resources), ----- 4,246,230.91  
    T o t a l ----- \$4,396,537.91

AMOUNTS PER CAPITA TO ---- \$3,716.00

## IRRIGATION DATA:

Estimated cost of completed irrigation project, \$ 218,072.96  
Estimated area of completed irrigation project, 22,000 acres  
Amount expended to June 30, 1913, \$ 218,072.96  
Area irrigable from constructed works, ----- 22,000 acres  
Irrigated by Indians, ----- 7,670 "  
    " Whites ----- 160 "  
Estimated value, irrigated land, ----- \$1.00 Per "

## LEGISLATION.

1. Fort Belknap agreement:  
"Such sums, (\$90,000. a year for 4 years and sum  
accumulated under agreement of 1887) or so much thereof as may  
be necessary, in any one year, shall be expended in assisting  
the Indians to build and keep in repair their houses, enclose  
and irrigate their farms".  
Act, June 10, 1896, (29 stat. L. 351).
2. "For completion and extension of the Milk River  
Irrigation System", \$25,000.  
Act, April 30, 1902, (35 stat. L. 87).
3. Appropriation, \$25,000., supra, "reimbursable".  
Act, March 3, 1909, (35 stat. L. 795).

4. Appropriation, \$25,000., supra, "reimbursable", also making appropriation Acts April 30, 1908 and March 3, 1909, "reimbursable", from "Indian funds applicable".  
Act, April 4<sup>th</sup>, 1910 (36 stat. L. 277).

5. Appropriation, \$15,000., "reimbursable", with proviso that if allottee receive patent in fee before charges are reimbursed, same shall become first lien on land, the same not to be enforced while the land is in Indian ownership.  
Act, March 5, 1911, (36 stat. L. 1066).

6. Appropriation, \$15,000., supra.  
Act, August 24, 1912, (37 stat. L. 526).

7. Appropriation, \$22.45, deficiency.  
Act, August 26, 1912, (37 stat. L. 526).

8. Appropriation, \$15,000., "reimbursable"; see paragraph 5, supra.  
Act, June 30, 1913, (Public No. 4, 15).

9. Estimate, \$15,000., pending Indian Bill 1915; see paragraph 5, supra.



FORT HALL, IDAHO.

POPULATION, -----1,867

AREA OF RESERVATION, -----454,239 acres.

Allotments approved,--12,597 acres, Nov. 3, 1913.

Allotments made in field, 76,760 acres.

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,

(including funds in bank), -----\$ 308,841.00

VALUATION, TRIBAL PROPERTY, 1912,

(including tribal funds in treasury

and timber resources), ----- 4,178,112.72

T o t a l ----\$4,486,753.72

AMOUNTS PER CAPITA TO -----\$2,403.19

IRRIGATION DATA:

Estimated cost of completed irrigation

project, -----\$ 800,000.00

Estimated area of completed irrigation

project, ----- 50,000 acres

Amount expended to June 30, 1912, -----\$ 886,113.61

Area irrigable from constructed works,----- 35,000 acres

Irrigated by Indians, ----- 3,300 "

" " Whites, ----- 6,065 "

Estimated value, irrigated land,-----\$50.00 per acre.

LEGISLATION.

1. Act authorizing Secretary of Interior to grant rights of way into and across reservation to canal ditch or Reservoir Companies and to prescribe rules and regulations for supply of surface water to Indians.

Act of March 3, 1891, (26 Stat.L.1011).

2. Secretary of the Interior directed to contract with responsible parties for construction of irrigating canals and purchase of water supply, for purpose of irrigating reservation lands; the expenses to be paid out of Indian funds in the treasury.

Act of August 15, 1894, (28 Stat.L.305).

3. Act, ratifying the agreement with Fort Hall Indians, reserving water from streams on portion of reservation sold, which is necessary for irrigated land actually cultivated and in use by Indians.

Act of February 12, 1901, (31 Stat.L-676).

4. Appropriation, \$25,000.00, for completing survey on Fort Lemhi and Fort Hall Indian reservations and for a reconnaissance survey and preparation of plans for an irrigation system and storage system for Indian lands and lands ceded by the Act of June 6, 1900.

Act of June 21, 1906, (34 Stat.L-334).

5. Secretary of the Interior authorized to acquire by purchase or condemnation, land in Idaho deemed by him necessary in constructing a reservoir for storing water, for the purpose of irrigating lands on the Fort Hall Indian Reservation and those ceded by the Indians; also lands, rights and property necessary for such project, and authorizing him to sell the water rights for lands in private ownership at \$6.00 per acre, the land susceptible of irrigation and owned by Indians in severalty or in common, to have a right to so much water as required to irrigate said land, "without cost to the Indians so long as the title remains in said Indians' or tribe, but if such lands are leased for a longer term than 3 years, they shall bear their pro-rata part of the cost of the maintenance of the system that may be constructed and when the Indian title is extinguished, these lands shall also bear their pro-rata cost of maintenance". Provision that management and operation of irrigation work shall pass to owners of land when payment is made for major part of the lands that can be irrigated "under such form of organization and such rules and regulations as may be acceptable to the Secretary of the Interior, in accordance with the Statute of the State of Idaho". Title to management and operation of reservoir and works necessary to its protection and operation, to remain in the Government, until otherwise provided by Congress, free water provided for reservation school and farm. "Water rights acquired or provided for in this measure shall be appurtenant to the land irrigated, and there is appropriated for carrying out the provisions of this Act, \$350,000., which shall be reimbursed the United States from the moneys obtained from the sale of water rights".

Act of March 1, 1907, (34 Stat.L-1024).

6. Appropriation, \$100,000.00, for carrying out Act of March 1, 1907, *supra*.

Act of April 30, 1908, (35 Stat.L-78)

7. Appropriation, \$100,000.00, reimbursable, to carry out Act of March 3, 1909. (35 Stat.L-787).

8. Appropriation, \$100,000.00, "for continuing the work of constructing an irrigation system for the irrigation of lands on the Fort Hall Reservation, Idaho, and lands ceded by the Indians of said reservation", reimbursable.

Act of April 4, 1910, (36 Stat.L-274).

9. Appropriation, \$36,000.00, for the benefit of the Indians removed to Fort Hall Reservation from Lemhi Agency, Idaho. To pay the 12th to the 20th inclusive, of the 20 installments provided in the agreement with the Indians of the Fort Hall and Lemhi Agencies, provided that Indians entitled to allotments on the Fort Hall Reservation shall have the option to accept a portion of their allotments within the irrigated portion of the reservation or avail themselves of the provisions of the Act of February 23, 1889.

Act of April 4, 1910, (36 Stat. L - 275).

10. \$25,000.00 of amount heretofore appropriated for continuing construction of irrigation, etc., made immediately available.

Act, June 25, 1910, (36 Stat. L - 744).

11. Appropriation, \$85,000.00, to complete construction of irrigation system, etc., "including \$10,000.00 for maintenance to be immediately available"; also provision for allotment 40 acres irrigable land and 320 acres grazing land to each head of family, and to each other Indian belonging on the Reservation 20 acres of irrigable and 160 acres grazing land.

Act of March 3, 1911, (36 Stat.L-1063)

12. Appropriation, \$20,000.00, gratuity, "for maintenance and operation of the Fort Hall irrigation system".

Act of August 24, 1912, (37 Stat.L-524).

13. Appropriation, \$20,000.00, gratuity, supra.

Act of June 30, 1913, (Public No.4,11).

14. Estimate, \$40,000.00, gratuity, pending Indian Bill.

NOTE:

The Secretary of the Interior completed filings on the water for the irrigation of lands on the Fort Hall Indian Reservation, under State law, in 1913. The laws of Idaho require beneficial use, within four years after the completion of filings - Hence, if the State law governs, beneficial use must be made of water for these lands by the year 1916.



FORT PECK, MONTANA.

POPULATION, -----1,833

AREA OF RESERVATION, -----1,774,967 acres

Allotted,----- 722,133

Unallotted,-----1,052,834

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(including funds in bank), -----\$ 4,304,932.00

VALUATION TRIBAL PROPERTY, 1912,  
(including tribal funds in treasury  
and timber resources), ----- 5,841,064.14

T o t a l ---\$10,145,996.14

AMOUNTS PER CAPITA TO,-----\$5,535.19

IRRIGATION DATA:

Estimated cost of completed irrigation  
project, -----\$ 5,169,300.00

Estimated area of completed irrigation  
project, ----- 152,000 acres

Amount expended to June 30, 1913, -----\$ 281,848.79

Area irrigable from constructed works,----- 7,500 acres

Irrigated by Indians, ----- None

" " Whites, ----- "

Estimated value of irrigated land, -----\$30.00 per acre

L E G I S L A T I O N .

1. Fort Peck allotment, 320 acres grazing land and not less than 2-1/2 nor more than 20 acres timber land to heads of families and single adults over 18 years of age. Secretary of the Interior authorized to cause examination of lands by Reclamation Service and Geological Survey, and "to construct such irrigation projects and reserve such lands as may be irrigable therefrom".

Provided, That should it be determined as feasible, after examination, to irrigate any of said lands, the irrigable land shall be allotted in equal proportions to such only of the members of said tribe as shall be living at the day of the beginning of the work of allotment on said reservation by the special allotting agent, and such allotment of irrigable land shall be in addition to the allotment of grazing and timber lands aforesaid, but no member shall receive more than 40 acres of



such irrigable land; and to pay the costs of examination provided for herein and for the construction of irrigation systems to irrigate lands which may be found susceptible of irrigation, there is hereby appropriated two hundred thousand dollars, to be immediately available, the said sum and any and all additional sums hereafter appropriated to pay the cost of such examination and irrigation systems to be reimbursed from proceeds from sales of lands within said reservation, Provided, however, that any land irrigable by any system constructed under the provisions of this Act may be disposed of subject to the following conditions: The entryman or owner shall, in addition to the payments required by section eight of this Act, be required to pay for a water right the proportionate cost of the construction of said system in not more than fifteen annual installments, as fixed by the Secretary of the Interior, with a view to the return of all moneys expended thereon, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

The land irrigable under the systems herein provided which has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such land without cost to the Indians for the construction of such irrigation systems. The purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands allotted to Indians shall bear their pro rata share of the cost of operation and maintenance of the irrigation system under which they lie; and the Secretary of the Interior may withhold from any Indian a sufficient amount of his pro rata share of any moneys subject to distribution to pay any charge assessed against land held in trust for him for operation and maintenance of the irrigation system.

When the payments required by this Act have been made for the major part of the unallotted lands irrigable under any system, and subject to charges for construction thereof, the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense, under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior.

All appropriations of the waters of the reservation shall be made under the provisions of the laws of the State of Montana.

\* \* \* \* \*

Sec. 10. That if, after the approval of the classification and appraisal, as provided herein, there shall be found lands within the limits of the reservation deemed practicable

for irrigation projects deemed practicable under the provisions of the Act of Congress approved June seventeenth, nineteen hundred and two, known as the Reclamation Act, said lands shall be subject to withdrawal and be disposed of under the provisions of said Act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value as provided in this Act, to the proper officers, to be covered into the Treasury of the United States to the credit of the Indians.

\* \* \* \* \*

Approved May 30, 1906.

Act, May 30, 1908, (35 Stat.L-558).

2. Appropriation, \$100,000, reimbursable, "for continuing construction of irrigation systems, to irrigate allotted lands of the Indians" including necessary surveys, etc.

Act, Aug. 24, 1912, (37 Stat.L.518-526)

3. Appropriation, \$150,000, paragraph 2, supra.

Act, June 30, 1913, (Public No.4,15)

4. Estimate, \$50,000, pending Indian Bill, 1915.

KLAMATH, OREGON.

POPULATION, -----1,117.

AREA OF RESERVATION, -----1,019,176 acres.  
Allotted, -----207,374  
Unallotted, -----811,802

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(including funds in bank), -----\$ 2,162,275.00

VALUATION TRIBAL PROPERTY, 1912,  
(including tribal funds in treasury  
and timber resources), -----26,678,660.39

T o t a l -----\$28,846,935.39

AMOUNTS PER CAPITA TO -----\$25,824.00

IRRIGATION DATA:

Estimated cost of completed irrigation project, ---\$155,000.00  
Estimated area " " " " 6,320 acres  
Amount expended to June 30, 1912, -----\$35,814.09  
Area irrigable from constructed works, ----- None  
Irrigated by Indians, ----- "  
" " Whites, ----- "  
Estimated value, irrigated land, -----\$50. per acre

LEGISLATION.

1. Agreement with Klamath Indians, ratified by Act of Congress, June 21, 1906. (34 Stat.L.367), set apart \$162,007.20, less "legal fees of attorneys having duly approved contracts", to be expended for the benefit of said Indians under the direction of the Secretary of the Interior, upon requisition of the Indians through the United States Indian Agent, in the drainage and irrigation of their lands and the purchase of stock cattle for issue to said Indians and for such other purposes as may in his opinion best promote their welfare, Provided, That beneficiaries whose allotments will not be benefited by the irrigation systems constructed under this provision shall not bear any of the expense of such irrigation construction, and shall, as nearly as practicable, receive an equivalent in value of the stock cattle, or other articles herein contemplated", etc.

2. "For continuing the construction of the Modoc Point irrigation project, including drainage and canal systems, \$50,000., and limiting total cost to \$155,000., including \$35,141.59 expended to June 30, 1910; entire cost of project to be repaid into treasury "from the proceeds from the sale of timber on lands on the Klamath Indian Reservation".

Act of March 3, 1911, (36 Stat.L.1071).

3. Act of August 24, 1912, (37 Stat.L.534), reappropriates \$50,000., and reenacts other provisions of Act of March 3, 1911, *supra*.

4. Act of June 30, 1913, (Public No.4,24), appropriated \$105,000., to complete construction and "remain available until expended".

5. The pending Indian Bill for the fiscal year 1915, carries an item of \$4,740.00 for experimental drainage surveys, a gratuitous appropriation.



SHOSHONE -- WYOMING.  
(WIND RIVER)

POPULATION, -----1,897.

AREA OF RESERVATION, -----318,543 acres.

    Allotments approved,--- 223,236, Nov. 3, 1913,

        "        in field,--- 12,650, during fiscal year 1914.

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,

    (including funds in bank), -----\$ 809,060.00

VALUATION TRIBAL PROPERTY, 1912,

    (including tribal funds in treasury

        and timber resources), ----- 914,130.70

T o t a l -----\$1,723,190.70

AMOUNTS PER CAPITA TO -----\$1,015.00

IRRIGATION DATA:

    Estimated cost of completed irrigation

        project, -----\$1,221,117.30

    Estimated area of complete irrigation

        project, ----- 85,674 acres

    Amount expended to June 30, 1913, -----\$607,637.30

    Area irrigable from constructed works,--- 35,000 acres

    Irrigated by Indians, ----- 5,000 "

        "        " Whites, ----- 7,000 "

    Estimated value, irrigated land, -----\$50.00 per acre

LEGISLATION.

1. Amended agreement with Indians of the Shoshone reservation, \$150,000., set apart "for the construction and extension of an irrigation system within the diminished reservation for the irrigation of the lands of said Indians" (33 Stat.L-1017).

"Upon the completion of the said \$50. per capita payment any balance remaining in the said fund of \$85,000., shall at once become available and shall be devoted to surveying, platting, making of maps, payment of the fees, and the performance of such acts as are required by the statutes of the State of Wyoming IN SECURING WATER RIGHTS FROM SAID STATE for the irrigation of such lands as shall remain the property of said Indians, whether located within the territory intended to be ceded by this agree-



ment or within the diminished reserve".

Act, March 3, 1905, (33 stat. L - 1020).

The sum of \$25,000., appropriated, supra, "reimbursable from sale of said lands" for the construction and extension of an irrigation system on the diminished reserve.

2. Appropriation, \$100,000., for carrying out article 4 of Act, supra, reimbursable from sale of lands.

Act, June 21, 1908, (34 stat. L - 384)

3. Appropriation, \$100,000., supra.

Act, March 1, 1907, (34 stat. L - 1054).

4. Appropriation, \$125,000., supra.

Act, April 30, 1908, (35 stat. L - 97).

5. Appropriation, \$100,000., supra.

Act, March 3, 1909, (35 stat. L - 815).

6. Appropriation, \$75,000., supra.

Act, April 4, 1910, (36 stat. L - 288).

7. Appropriation, \$50,000., supra.

Act, March 3, 1911, (36 stat. L - 1075).

8. Provision that any person having entered land on the ceded portion of the Shoshone reservation prior to December 16, 1911, "and has not abandoned the same and who has been unable to secure water for the irrigation of the lands covered by his entry, may acquire title to the same upon submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than 8 months and payment of sums remaining due on said lands".

Act, April 27, 1912, (37 stat. L - 91).

9. Appropriation, \$50,000., supra., "including the maintenance and operation of complete canals".

Act, August 24, 1912, (37 stat. L - 539).

10. Appropriation, \$50,000., supra., (construction and maintenance).

Act, June 30, 1913, (Public No. 4, 29).

11. Estimated, \$25,000., pending Indian Bill.

## UINTAH, UTAH.

POPULATION ----- 1,183

AREA OF RESERVATION ----- 291,101 Acres.  
Allotted, --- 211,314, Nov. 3, 1913.  
Unallotted, -- 79,787

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(Including funds in bank) ----- \$ 2,286,356.00

VALUATION, TRIBAL PROPERTY, 1912,  
(Including tribal funds in  
treasury and timber resources) ----- 1,249,985.24

Total- \$ 3,536,341.24

AMOUNTS PER CAPITA, TO, \$2,929.00

### Irrigation Data:

Estimated Cost of Completed Irrigation Project -----	\$ 1,000,000.00
Estimated Area of Completed Irrigation Project ----- (Acres) -----	98,400
Amount Expended to June 30, 1913, -----	\$744,603.86
Area Irrigable from Constructed Works-----	87,880 Acres
Irrigated by Indians -----	6,000 "
" " " -----	6,994 "
Estimated Value, Irrigated Land -----	\$30 Per Acre.

### LEGISLATION.

1. The Secretary of the Interior authorized to grant rights of way for dams, ditches and canals on the Uintah Indian Reservation "subject at all times to the permanent rights of the Indians on said reservation to so much of said waters as may have been appropriated or may hereafter be appropriate or needed by them for agricultural and domestic purposes, and it shall be the duty of the Secretary of the Interior to prescribe such rules and regulations as he may deem necessary to secure such rules and regulations as he may deem necessary to secure to the Indians the quantity of water needed for their present and prospective wants and to otherwise protect the rights and interests of the Indians and the Indian Service".  
Act, March 11, 1899, (30 stat. L. 941).

2. "With the consent thereto of the majority of adult male

Indians of the Uintah and the White River Tribes of the Indians", allotment to be made of irrigable land, eighty acres to heads of families and forty acres to each other member", said allotments to be made prior to October 1, 1903, - all unallotted lands to be restored to the public domain.

Act, May 27, 1902, (32 Stat., L., 263).

3. In addition to allotments in severalty to Uintah and White River Utes, before any lands are opened to settlement, the Secretary of the Interior was to set apart such "non-irrigable grazing lands" as will "subserve the reasonable requirements of said Indians for the grazing of live stock".

"All allotments hereafter made to Uncompahgre Indians of lands in said Uintah Indian reservation shall be confined to agricultural land that can be irrigated and shall be on the basis of eighty acres to each head of family and forty acres to each other Indian and no more".

Act, June 19, 1902, (32 Stat., L., 144).

4. President authorized to reserve as an addition to the Uintah Forest Reserve, lands in the Uintah reservation; also "any reservoir site or other lands necessary to conserve and protect the water supply for the Indians, or for general agricultural development, and may confirm such rights to water thereon as have already accrued".

Act, March 3, 1905, (33 Stat., L., 1070).

5. For constructing irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, the limit of cost of which is hereby fixed at six hundred thousand dollars, one hundred and twenty-five dollars of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the land within the former Uintah reservation: Provided, That such irrigation systems shall be constructed and completed and held and operated, and water therefor appropriated under the laws of the State of Utah, and the title thereto until otherwise provided by law shall be in the Secretary of the Interior in trust for the Indians, and he may sue and be sued in matters relating thereto: And provided further, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Utah, And provided further, That when said irrigation systems are in successful operation the cost of operating same shall be equitably apportioned upon the lands irrigated.

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and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done, in their behalf, within thirty years, suitable deduction being made for the amounts received from disposal of the lands within the former Uintah reservation.

6. Secretary authorized to lease for period "not exceeding ten years", the allotted lands of any Indian of the Uintah and Uncompahgre reservation when it shall appear to his satisfaction that their lands are susceptible of irrigation "and that the allottee is unable to cultivate the same".

Act, April 30, 1908 (35 Stat. L., 96).

7. Providing to reimburse Indians \$1.25 an acre from Reclamation fund for lands withdrawn by the President for reservoir purposes (Act, March 3, 1903). Also appropriation of \$75,000 "to complete the irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah and White River Utes in Utah". (Act, June 21, 1906), reimbursable.

Act, April 4, 1910, (35 Stat. L. 269-285).

8. \$75,000, reimbursable, appropriated under terms, supra.

Act, March 3, 1911 (36 Stat. L. 1074).

9. "For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah and White River Utes, and to maintain existing irrigation systems", \$75,000, reimbursable, terms, supra.

Act, Aug. 24, 1912, (37 Stat. L. 537).

10. Estimate \$25,000, pending Indian Bill.



YAKIMA, WASHINGTON.

POPULATION, ----- 3,046

AREA OF RESERVATION, ----- 1,092,819 acres.

    Allotments approved, ---303,767, Nov. 3, 1913.

        " made in field, 37,240 acres, during fiscal year 1914.

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
    (including funds in bank), ----- \$ 10,436,124.00

VALUATION TRIBAL PROPERTY, 1912,  
    (including tribal funds in  
    treasury and timber resources), ----- 5,023,687.79

                                    T o t a l ----- \$ 15,459,811.79

AMOUNTS PER CAPITA TO, ----- \$5,076.00

IRRIGATION DATA:

Estimated cost of completed irrigation  
    project, ----- \$4,000,000.00

Estimated area of completed irrigation  
    project, ----- 125,000 acres

Amount expended to June 30, 1913, ----- \$546,816.72

Area irrigable from constructed works, --- 54,000 acres

Irrigated by Indians, ----- 5,350 "

    " " Whites, ----- 29,454 "

Estimated value, irrigated land, ----- \$100 to \$500 per acre

LEGISLATION.

1. Right of way 75 feet in width granted the Northern Pacific and Yakima Irrigation Co., for "the construction of an irrigating canal through the Yakima Indian reservation", compensation to be fixed by the Secretary of the Interior for right of way and damages to individual Indians, subject to consent of Indians.

Act, October 1, 1890, (26 Stat.L.661-662)

2. Right of way, 75 feet in width, granted to Columbia Irrigation Co., "for the construction of an irrigation canal through the Yakima reservation" giving it the right "to appropriate and use any and all water necessary for their use from the Yakima River not otherwise appropriated and in actual use at the time of the passage of this Act, or that may not be necessary for the domestic and irrigating purposes of any Indian to whom an allotment has been made or hereafter shall be made upon or along said Yakima



River." Sufficient land granted also for storage reservoir - compensation and damages to Indians, supra.

"The rights herein granted are upon the express condition that the grantee or grantees thereof shall at all times during the continuance thereof furnish the Indian allottees along said right of way with water sufficient for all domestic and agricultural purposes and purposes of irrigation, on such terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior: Provided further, That Indians who have or may have allotments along said right of way shall have water for irrigation and domestic purposes free".

Act of July 23, 1894, (28 Stat.L.118)

The time for completing the canal, supra, was extended "two years from July 24, 1896", by Act of June 10, 1896, (29 Stat.L.342).

3. Disposition of surplus or unallotted lands provided. Lands "desirable or necessary in connection with the construction of contemplated irrigation systems or lands crossed by existing irrigation ditches", reserved. The net proceeds of sale of surplus and unallotted lands to be deposited in the Treasury to the credit of Indians and "expended for their benefit under the direction of the Secretary of the Interior in the construction, completion and maintenance of irrigation ditches, purchase of wagons, horses, farm implements, materials for houses and other necessary and useful articles". The Secretary of the Interior authorized "In the cases of entrymen and purchasers of lands now irrigated or that may hereafter be irrigated from systems constructed for the benefit of the Indians, to require such annual proportionate payments to be made as may be just and equitable for the maintenance of said systems". It is provided also that the Secretary of the Interior shall add the cost of placing water on the land to the land, which shall be paid by the entryman, as a condition to his receiving a perpetual water right. The Secretary of the Interior is also authorized to determine when the management and operation of irrigation works shall pass to the owners of the lands irrigated thereby, at their expense.

Act, December 21, 1904, (33 Stat.L.599).

4. Provision that surplus or unallotted land found under project developed under the Reclamation Act, (Act of June 17, 1902) may be excluded from operation of Act of December 21, 1904, supra, and be withdrawn from the purposes provided in the Reclamation Act, and entered as homesteads subject to the provision in of said Reclamation Act.

"If any lands heretofore allotted or patented to Indians on said Yakima Indian reservation shall be found irrigable under any

project the Secretary of the Interior is hereby authorized, upon the request or with the consent of such allottee or patentee, to dispose of all lands in excess of twenty acres in each case, in tracts of an area approved by him and subject to all the provisions of the Reclamation Act, to any person qualified to acquire water rights under the provisions of the Reclamation Act at a price satisfactory to the allottee or patentee and approved by the Secretary of the Interior, or at public sale to the highest bidder". "From the payments received from the sale of such individual Indian lands there shall be covered into the Reclamation fund the amounts fixed by the Secretary of the Interior as the annual charges on account of the land retained by such Indians for the construction and maintenance of the irrigation system as required under the Reclamation Act". See also Section 5 and Section 6 of same Act.

Act, March 6, 1906, (34 Stat.L.53).

NOTE: The above Act has never become effective because the Indians have failed and refused to dispose of their lands thereunder.

5. To extend the irrigation system on "lands allotted to Yakima Indians", fifteen thousand dollars "to be reimbursed from the proceeds of the sale of surplus lands", under Act of December 21, 1904.

Act, June 21, 1906, (34 Stat.L.377)

See Act, March 1, 1907, (34 Stat.L.1050)

" April 30, 1908, 35 " " 96

" March 3, 1909, 35 " " 813, for similar appropriations of fifteen thousand for each year.

6. Also Act, April 4, 1910, (36 Stat.L.286), for appropriation of fifteen thousand dollars for extension of irrigation system and two hundred and fifty thousand dollars, of which twenty-five thousand dollars was made immediately available, for the construction of a drainage system under provisions of Act, Dec. 21, 1904.

7. "For extension and maintenance" of the system, fifteen thousand dollars, terms, *supra*.

Act, March 3, 1911, (36 Stat.L.1075)

8. "Extension and maintenance", *supra*, fifteen thousand,  
Act, August 24, 1912, (37 Stat.L.538)

9. Secretary of the Interior directed "To investigate the conditions on the Yakima reservation to determine best, most practicable and most feasible plan for providing water for such lands of said reservation as may be irrigated and to cause sur-

veys, plans and reports to be made thereon, together with an estimated limit of cost of such irrigation project and to submit his report thereon to Congress on the first Monday in December, 1912, together with such facts and reasons in support of the same as may be necessary to advise Congress fully in regard thereto."

Act, Aug. 24, 1912, (37 Stat.L.518-538).

10. A Commission consisting of two members of the Senate Committee on Indian Affairs to be appointed by the Chairman of said Committee, and two members of the House of Representatives to be appointed by the Speaker, "to investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian reservation or the construction of an irrigation system upon said reservation, to impound the waters of the Yakima River for the reclamation of the lands on said reservation and for the use and benefit of the Indians.

Act, June 30, 1913.

11. Appropriation, \$15,000, reimbursable; see paragraph 5, supra.  
Act, June 30, 1913, (Public No.4,28)

12. Estimate, pending Indian Bill, 1915, \$15,000, see paragraph 5, supra.

## YUMA, CALIFORNIA.

POPULATION, ----- 803

AREA OF RESERVATION, ----- 39,386 acres

Allotted,----- 8000, Nov. 3, 1913.

Unallotted,-----31386 acres.

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,-\$ 816,015.00  
(including funds in bank)

VALUATION, TRIBAL PROPERTY, 1912,  
(including tribal funds in  
treasury and timber resources),----- 76,072.74

T o t a l -----\$ 894,087.74

AMOUNTS PER CAPITA TO -----\$1,113.44

### IRRIGATION DATA:

Estimated cost of completed irrigation  
project, -----\$333,960.00

Estimated area of completed irrigation  
project, -----8,090 acres

Amount expended to June 30, 1913, -----\$66,788.00

Area irrigable from constructed works,-----4,000 acres

Irrigated by Indians, ----- 223 "

" Whites, -----None.

Estimated value, irrigated land, -----\$200 to \$300 per acre

### LEGISLATION.

1. Right of way granted the Colorado River Irrigation Co., "ground occupied by" canals, adits and laterals and fifty feet on each side, through Yuma Indian Reservation. Granted to "furnish the Indian occupants of the land situated on the lower side of the canal with water sufficient for all domestic and agricultural purposes and purposes of irrigation" upon terms and under rules and regulations prescribed by the Secretary of the Interior.  
Act, Feb. 15, 1893; (27 Stat.L.456)

2. Agreement with Yuma Indians and after allotments to Indians, surplus lands to be sold and proceeds deposited to the credit of Yuma Indians "and the same, with interest at five per cent per annum, shall be at all times, subject to appropriation by Congress, or to application, by order of the President,



for the payment of water rents, building of levees, irrigating ditches, laterals, the erection and repair of buildings, purchase of tools, farming implements and seeds, and for the education and civilization of said Yuma Indians."

Colorado River Irrigation Company required to begin construction of an irrigating canal "within three years from the date of the passage of this Act."

Authority given Secretary of the Interior "to fix the water rents to be paid by the said Indians for all domestic, agricultural and irrigation purposes, and in addition thereto each male adult Indian of the Yuma tribe shall be granted water for one acre of the land which shall be allotted to him, if he utilizes the same in growing crops, free of all rent charges during the period of ten years".

Act, August 15, 1894, (27 Stat.L.286-333)

3. Allotment and irrigation of Indian lands, (five acre allotments) under Reclamation Act -(see paragraph 3) under Colorado River reservation (33 Stat.L.224).

4. An Act granting to the Yuma Pumping Irrigation Company right of way for two ditches across that part of the Yuma Indian reservation lying in Arizona.

Act, January 20, 1893, (27 Stat.L.420)

5. See important amendment to paragraph 3, supra, in paragraph 7, under "Colorado River".

Act, March 3, 1911, (36 Stat.L.1063)

6. "For reclamation and maintenance charge on Yuma allotments, \$40,000, reimbursable from sale of surplus lands, etc."

Act, June 30, 1913, (Public No.4,11)

7. Estimate for \$40,000 in pending Indian Bill, same as paragraph 6, supra.



STATISTICS AND DIGEST OF LEGISLATION

RELATING TO PROJECTS

CONSTRUCTED AND MAINTAINED

FOR THE MOST PART

FROM

SPECIFIC GRATUITY APPROPRIATIONS.

I n d e x.

ARIZONA:	Pages.
Papagoes, .....	53 - 53
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Pima, .....	57 - 59
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COLORADO:	
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MONTANA:	
Tongue River, .....	63
NEVADA:	
Pyramid Lake, .....	64 - 65
Walker River, .....	66
SOUTH DAKOTA:	
Pierre School, .....	67
WASHINGTON:	
Colville, .....	68 - 69.

PAPAGOS, ARIZONA.

POPULATION ----- 5,000

AREA OF RESERVATION (San Xavier reservation) 69,189 Acres.

NOTE: Most of the population live on the public domain outside the reservation, where about 3000 allotments have been made but not yet approved.

Allotted -----41,606

Unallotted-----27,583

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,-----\$1,948,316.00

VALUATION TRIBAL PROPERTY, 1912, ----- 83,099.00

TOTAL -----\$2,031,415.00

AMOUNTS PER CAPITA, TO, \$445.97

IRRIGATION DATA:

Estimated area of completed irrigation project, 3000 Acres.  
(San Xavier \$5155.87

Amount expended to June 30, 1913, (Nomadic Papagos, 2902.52

Irrigated by Indians ----- (San Xavier)----- 875 Acres.

Estimated value, irrigated land,-----\$100 Per Acre.

Legislation.

1. Right of way granted to the Citrons Water Company to construct a ditch for conveying water across the Papago Indian reservation "for use in irrigating lands and supplying water to owners of land below; provided that so long as said reservation shall continue for the use and occupation of said Indians, said Indians shall, free of cost, be supplied with water from said ditch or canal in such quantity and under such regulations as shall be prescribed by the Secretary of the Interior, and with reasonable compensation only, subject at all times to the control of Congress, shall be charged to those supplied with water for use upon land held by the United States, the canal to be completed within two years from the date of approval of this Act. Act, Jan. 1, 1889 (25 Stat.L., 639).

2. Appropriation, \$5000, "for the development of a water supply for domestic and stock purposes and for irrigation for Nomadic Papago Indians in Pima County, Arizona."

Appropriation, \$5000, "to enable the Secretary of the Interior to make investigations of the conditions on the Papago Indian reservation in Arizona with a view to determining the feasibility of enlarging the irrigation system for the protection and irrigation of the Indian lands and the development of a water supply for

domestic and stock purposes." "The Secretary to report results of said investigation on the first Monday of December, 1912.

Act, August 24, 1912, (37 Stat.L., 518).

5. Appropriation, \$5,000., "for the development of a water supply for domestic and stock purposes and for irrigation for Nomadic Papago Indians in Pima County, Arizona".

Act, June 30, 1913, (Public #4,9).

Items of \$5,000., for development of water for irrigation and domestic purposes for Nomadic Papagoes and \$50,000., for development of irrigation on the reservation and \$35,600 for irrigation for Nomadic Papagoes are found in the estimates for the Indian Bill, 1915.

NAVAHO INDIANS, ARIZONA AND NEW MEXICO.

POPULATION, -----30,224

AREA OF RESERVATION, -----12,189,997 acres.

Alotted,-----328,983

Unallotted,-----11,861,034

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,-\$ 7,835,119.00

(Most of their property consists  
of sheep, horses and cattle)

VALUATION, TRIBAL PROPERTY, 1912, ----- 30,187,151.00

(These Indians have practical-

ly no funds in the Treasury.

Total ---\$28,023,270.00

Their timber is valued at

\$7,500,000. The remainder of the  
tribal property estimated is in lands.

Note: This does not take into consider-  
ation the great coal properties of  
these Indians estimated by the Geologic-  
al Survey at 16,700,000,000 tons within  
2000 feet of the surface. At one cent  
per ton, the value of this coal to the  
tribe would be \$167,000,000.

AMOUNTS PER CAPITA TO, ABOUT,-\$234.00

(not including mineral  
property, which would

raise it to about,-----\$6500.00

IRRIGATION DATA:

Estimated cost of completed irrigation project,--Not known

Estimated area " " " " ,--25,000 acres

Amount expended to June 30, 1912, -----\$345,420.66

(This does not include about \$75,000. ap-  
propriated for water for irrigation and  
domestic & stock supply between 1884 & 1893)

Area irrigable from constructed works, -----1710 acres

Irrigated by Indians, ----- 542 "

Estimated value, irrigated land, -----\$35 to \$200  
per acre.

LEGISLATION.

1. Appropriation, \$40,000, for "civilization of the Navaho  
Indians including the construction of ditches, reservoirs and



wells, the purchase of stock, pay of employes, and purchase of medicines", to be paid "from the funds now in the Treasury belonging to said Indians".

Act, July 4, 1884, (23 Stat.L.76-90).

2. Appropriation, \$25,000, same purposes as noted paragraph 1, *supra*,

Act, March 3, 1885, (23 Stat. L.362-378).

3. Appropriation, \$7500, "for expense of constructing ditches and reservoirs", to be taken from funds in the Treasury belonging to said Indians.

Act, May 15, 1886, (24 Stat.L.29-42)

4. Appropriation, \$7500, same provision as noted paragraph 3, *supra*. Act, March 2, 1887, (24 Stat.L.449-462)

5. "For continuing the work of constructing ditches and reservoirs for the Navaho Indians" for purchase, maintenance and operation of saw mills and for purchase of nails to build houses, \$15,000, to be taken from said Indians' funds in the Treasury.

Act, June 29, 1888, (25 Stat.L.217-231).

6. Appropriation, \$7500, "for construction of irrigation ditches on the Navaho reservation".

Act, August 19, 1890, (26 Stat.L.336-351)

7. Appropriation, \$7500, for purposes of irrigation and purchase of saw mill.

Act, March 3, 1891, (26 Stat.L.1005)

8. Appropriation, \$7500, same provision as paragraph 7, *supra*.

Act, July 13, 1892, (27 Stat.L.135)

9. Appropriation, \$40,000, "for the construction of irrigating ditches, and the development of a water supply for agricultural, stock and domestic purposes, on the Navaho Indian Reservation, to be expended in the discretion of the Secretary of the Interior".

Act, March 3, 1893, (27 Stat.L.627)

10. Appropriation, \$40,000, "to enable the Secretary of the Interior to purchase lands and water rights for the use of Navaho Indians who have lost title to their homes on the public domain in Arizona and New Mexico".

Act, March 3, 1909, (35 Stat.L.787)



11. Appropriation, \$35,000, "for beginning the construction of the Ganado Irrigation project on the Navaho Indian Reservation in Arizona", the total cost of project not to exceed \$80,100.

Act, August 24, 1913, (37 Stat.L.523)

12. Appropriation, \$25,100, the complete Ganado irrigation project, paragraph 11, supra.

Act, June 30, 1913, (Public No.4,p.9)

13. Appropriation, \$15,000, "for the development of a water supply for the Navaho Indians".

Act, June 30, 1913, (Public No.4,p.10)

14. An item of \$50,000, is made in estimates for pending Indian Bill for 1915, for same purpose as indicated in paragraph 13, supra. NOTE: It will be noted that appropriations for irrigation purposes for the Navaho Indians were made payable out of Indian funds in the Treasury beginning in the Act of July 4, 1884 (paragraph 1, supra) until the Act of August 19, 1890 (paragraph 6, supra). Since that date all specific appropriations have been gratuitous. A glance at the item in the statistical table above, showing cost of completed projects, will show also, that the greatest part of the expenditure for irrigation development among the Navaho has been from the general irrigation appropriations and not from specific appropriations.

PIMA INDIANS, ARIZONA.

POPULATION, -----3,996

AREA OF RESERVATION, -----400,000 acres

Sacaton,----- 48,000

Little Gila, -----352,000

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,-\$110,000.00

VALUATION TRIBAL PROPERTY, 1912, -----\$2,396,249.17

T o t a l ---\$2,506,249.17

AMOUNTS PER CAPITA TO -----\$627.19

IRRIGATION DATA:

Sacaton:

Estimated area of completed irrigation  
project,-----12,000 acres

Amount expended to June 30, 1912,-----)

Little Gila: )\$542,987.34

Amount expended to June 30, 1912,-----)

LEGISLATION.

1. "For ascertaining the feasibility, and estimating in detail the cost of the construction of a dam across the River at the (Buttes) for the purpose of erecting the Sacaton reservation, and for ascertaining the average daily flow of water in the River at that point, \$2000, or so much thereof as may be necessary, to be extended by the Director of the U.S. Geological Survey, who shall also ascertain and report upon the feasibility and cost of the Clean Creek project mentioned in Senate Document #27, 54th Congress, 2nd Session.  
Act, July 1, 1898, (30 Stat.L.594)

2. Authority granted to the Arizona Water Company "to erect, construct, maintain, and operate a water power plant at the place on the Indian reservation set apart for the Pima and Maricopa Indians by executive order dated June 14, 1879 in the County of Maricopa, Territory of Arizona, where the Arizona Canal, by means of a cross cut canal, drops a portion of the water back into the Salt River and theretofore taken out of this dam and head gate." Authority also granted to said Company for the erection of and maintenance of necessary poles and wires for transmitting electricity, generated by such power plant across the reservation".

Act, February 12, 1901, (31 Stat. L.786).

3. Appropriation, \$50,000, to be expended under the direction of the Secretary of the Interior, "for the construction of an irrigation system for developing and furnishing a water supply for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton on the Gila River, Indian Reservation, the cost of the entire construction and installation not to exceed \$540,000; "provided that when said irrigation system is in successful operation and the Indians have become self supporting the cost of operating the said system shall be equitably apportioned upon the lands irrigated and to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work within thirty years, suitable deduction being made for the amount received from disposal of lands, which now form a part of said reservation".

Act, March 3, 1905, (33 Stat. L. 1081).

4. Appropriation, \$250,000, under same provision of law as noted in paragraph 3, supra.

Act, June 21, 1906, (34 Stat. L. 333).

5. The Secretary of the Interior may, in his discretion, use such part of the \$300,000 heretofore appropriated for an irrigation system for the Pima Indians in the payment of such Indians' proportionate part of the construction of the Salt River project, and such funds may be transferred to the reclamation fund, to be expended by that Service in accordance with its rules and regulations, the Indians to receive a credit upon the reclamation charge assessed against their lands under the Salt River project for the amount so transferred".

Act, March 1, 1907, (34 Stat. L. 1022).

6. Appropriation, \$75,000, "for continuing the work of constructing an irrigation system for the irrigation of the lands of the Pima Indians", the same, together with all moneys heretofore or hereafter to be transferred, to be repaid into the Treasury of the United States in accordance with provision of Section 10, Act of March 3, 1905. Provision also that the Secretary of the Interior shall transmit to Congress on the first Monday in December, 1910, and annually thereafter, report of all funds expended, the original estimate cost, etc.

Act, April 4, 1910, (36 Stat. L. 272)

7. Appropriation, \$125,000, " for continuing the work of constructing an irrigation system for the irrigation of the land to the Pima Indians in the vicinity of Sacaton. Act, March 3, 1911, (36 Stat. L. 1062).

8. Appropriation, \$15,000, "for maintenance, including purchase of electricity for irrigation wells already complete and the completion of the lateral irrigating ditches thereunder in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton: Provided, that the proportion of the cost of the irrigation project on the Gila River Indian reservation heretofore and herein authorized to be paid from the public funds shall be paid into the Treasury of the United States as and when funds may be available therefor, Provided, further that in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on said allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth therein, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall own the allotment; and a receipt of the Secretary of the Interior, or officer, agent or employee duly authorized by him for that purpose, for the payment of the amount assessed against in allotment as herein provided, shall, when duly recorded by the Recorder of Deeds in the County wherein land is located, operate as a satisfaction of such lien; provided that the Secretary of War be, and he hereby is, directed to convene a Board of not less than three engineers of the Army of wide reputation and large experience to make the necessary examinations, borings and service for the purpose of determining the reasonability and practicability of constructing a dam and reservoir at or in the vicinity of the Box Canyon on the San Carlos Indian reservation, known as the site of the proposed San Carlos Reservoir on the Gila River, Arizona, and the necessary irrigation works in connection therewith to provide for the irrigation of Indian, private and public lands, in Gila River Valley". This Board of engineers to report at as early a date as practicable to Congress, with recommendations, and the sum of \$15,000 appropriated for conducting said investigations.

Act, Aug. 24, 1912, (37 Stat. L. 522).

9. Appropriation, \$5000, "for maintenance, care and protection of machinery and irrigation wells already completed, in connection with the irrigation lands of the Pima Indians in the vicinity of Sacaton in Gila River reservation."

Act, June 30, 1913, (Public #4,9).

10. An item of \$10,000 in estimates for Indian Bill, 1915.



NOTE: The supervision of the construction of laterals for the extension of this system was transferred from the Reclamation Service to the Indian Bureau in the winter of 1913.



# PORT MOJAVE, ARIZONA.

POPULATION----- 821

AREA OF RESERVATION ----- 17,328 Acres

    Allotments now being made  
    by Superintendent.

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912.  
    (including land) ----- \$ 366,208.00

                    AMOUNTS PER CAPITA, TO. \$ 470.41

## IRRIGATION DATA:

Estimated cost of completed irrigation project -----	\$52,500.00
Estimated area of completed irrigation project -----	12,500 Acres.
Amount expended to June 30, 1913, -----	\$38,305.23
Area irrigable from constructed works -----	None.
Irrigated by Indians -----	"
" Whites -----	"
Estimated value, irrigated land -----	\$100 Per Acre.

## Legislation.

1. The appropriation of \$32,500 for the support of the Fort Mojave Industrial school included "irrigation" of the school farm.  
    Act, July 13, 1892, (27 Stat.L.142).
2. Appropriation, \$1600 for "one 80 horse power boiler for irrigation" at the Fort Mojave Indian School,  
    Act, April 21, 1904, (33 Stat.L.,212)
3. Appropriation, \$6000, "for power house and steam pumps",  
    supra.  
    Act, March 3, 1905, (33 Stat.L.,1074).
4. Appropriation, \$25,000, "for constructing dike to protect allotments on the Fort Mojave Indian reservation.  
    Act, August 24, 1912, (37 Stat.L.516-523)
5. An item of \$5000 is carried in the estimates for 1915.

SOUTHERN UTE, COLORADO.

POPULATION, -----(Ignacio,-----367  
(Navaho Springs,--493

AREA OF RESERVATION, -----556,581 acres.  
Allotted, (Ignacio), ----- 72,651  
Unallotted, (Navaho Springs),---483,910

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(including funds in bank), -----\$ 314,117.00

AMOUNTS PER CAPITA TO -----\$855.90

The allotted Indians at Ignacio share in the annual treaty benefits, known as the "Four per cent Ute fund" and also have their pro rata interest in the \$3,000,000 Ute judgment. They will also share in any subsequent judgments or benefits to the tribe growing out of treaty rights.

The Navaho Springs Utes have the same tribal interests as those of Ignacio. They are unallotted, however, and own their reservation in common.

IRRIGATION DATA:

Estimated cost of completed irrigation project, -----	\$1,500,000.00
Estimated area of completed irrigation project (Annual Report, 1912) Ignacio, --44,000	
Navaho Springs, --12,000	56,000 acres
Amount expended to June 30, 1912, Ignacio, )	
Navaho Springs, )... \$123,264.44	
Area irrigable from constructed works,-----	4,000 acres
(Ignacio,--- 4,000	
(Nav. Springs, none.	
Irrigated by Indians, (Ignacio), -----	300 acres
" " Whites, -----	Not known
Estimated value, irrigated land, -----	\$35. per acre.

LEGISLATION.

1. Disapproval of former treaty with Southern Ute Indians and provision for "settling them down in severalty on the west forty miles of present reservation and in portions of New Mexico" and reservation of "the right of the Government \*\*\*\* to grant rights of way through the same for railroads, irrigation dit ches", etc. Act, February 20, 1895, (28 Stat. L.677-678)

2. Congress directed the Secretary of the Interior to confer with the owners of the Montezuma Valley Canal or any other parties "for the purpose of securing by the Government water rights or for the supply of so much water, or both, as he may deem necessary for the irrigation of that part of the Montezuma Valley lying within the boundaries of the Southern Ute Indian Reservation in Colorado and "for the domestic use of the Indians thereon". The Secretary of the Interior to report to the following Congress the amount of water needed, the cost of the same, with his recommendations. (Act, June 7, 1897, (30 Stat. L.76)

3. The Secretary of the Interior authorized "to contract for and to expend from the funds of said Southern Utes in the purchase of perpetual water rights, sufficient to irrigate not exceeding ten thousand acres on the Western part of the Southern Ute Reservation, and for annual charges for maintenance of such water thereon, such amount and upon such terms and conditions as to him may seem just and reasonable, not exceeding \$150,000 for the purchase of such perpetual water rights, and not exceeding a maximum of fifty cents per acre per annum for the maintenance of water upon land irrigated". Act, July 1, 1898 (30 Stat.L.593)

4. The Act of July 1, 1898, supra, continued and amended slightly in phraseology. (Act, March 1, 1899, (30 Stat. L.941)

5. Secretary of the Interior authorized "under general regulations to be fixed by him, to permit the use of the right of way through the allotted land for the Southern Ute Indians of Colorado for irrigating ditches", "provided that no application for such right of way shall be granted unless accompanied by the consent, in writing, of the allottee or allottees whose land may be affected thereby. Also reenactment Act, March 1, 1899, supra.

6. Reenactment of Act, supra. Act, March 3, 1905, (33 Stat. L.1080).

7. The Secretary of the Interior authorized to expend from the funds of the Southern Ute Indians in the Treasury of the United States sufficient moneys not exceeding \$150,000 to purchase a perpetual water right for the purpose of irrigating not less than 10,000 acres of land. Act, March 3, 1908, (35 Stat.L.788).

Note: Notwithstanding the provisions of law above cited for charging the cost of irrigation in the Montezuma valley to funds of the Ute Indians in the Treasury, the expenditures for all irrigation work for these Indians elsewhere have been made out of gratuity appropriations "Irrigation Indian Service". 62

# TONGUE RIVER, MONTANA.

POPULATION ----- 1,396

AREA OF RESERVATION ----- 489,500 Acres

Allotted -----None

Unallotted -----489,500

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,

(including funds in bank) -----\$ 558,576.00

VALUATION, TRIBAL PROPERTY, 1912,

(including tribal funds in treasury

and timber resources) -----\$3,354,823.48

TOTAL ---\$3,913,399.48

AMOUNTS PER CAPITA, TO. \$2,799.28

## IRRIGATION DATA:

Amount expended to June 30, 1912, ----- \$132,043.38

Total acreage susceptible of irrigation, 10,118

Unallotted, --- 9,988

School land, -- 130

Acreage now under projects under way, ----- 1,000

Unallotted --- 900

School land --- 100

Acreage under projects contemplated, but not

under way ----- 2,200

Unallotted --- 2,100

School land, -- 100

Total acreage irrigated, June 30, 1912, (unallotted) 500

## Legislation.

1. Appropriation, \$40,000, "for an irrigation system on the Tongue River Reservation".

Act, March 1, 1907, (34 Stat.L., 1035).



PYRAMID LAKE, NEVADA.

POPULATION ----- 611

AREA OF RESERVATION ----- 322,000 Acres.

Allotted -----None

Unallotted -----322,000

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912, ----- \$ 17,175.00

VALUATION TRIBAL PROPERTY, 1912, ----- 643,085.75  
(Including \$4085.75 tribal funds in treasury)

Total --- \$660,260.75

Amounts per capita, to, \$1,080.62

IRRIGATION DATA:

Estimated cost of completed irrigation  
project ----- Not known.

Estimated area of completed irrigation  
project ----- " "

Amount expended to June 30, 1912, ----- \$39,824.09

Area irrigable from constructed works, ----- 1,000 Acres.

Irrigated by Indians ----- 1,000 "

" Whites ----- None

Estimated value, irrigated land ----- \$100 Per Acre

Legislation.

1. In carrying out the provisions of the Reclamation Act of June 17, 1902, in connection with "the reclamation of all or any portion of the irrigable lands on the Pyramid Lake Indian Reservation, Nevada, the Secretary of the Interior is hereby authorized to reclaim, utilize and dispose of any lands in said reservation, which may be irrigable by said works in like manner as though the same were a part of the public domain; provided, that there shall be reserved for and allot to each of the Indians belonging on the said Reservation, five acres of the irrigable lands. The remainder of the lands irrigable in said Reservation shall be disposed of to settlers under the provisions of the Reclamation Act. The Indians to receive such sum per acre as in the opinion of the Secretary of the Interior shall fully represent the value of the unallotted lands before reclamation. After paying the charges for the reclamation of said allotted lands, the remainder to be placed to the credit of the Indians and expended under the direction of the Secretary of the Interior for their benefit.

Act, April 21, 1904 (33 Stat.L., 224).



**NOTE:** The expenditure for irrigation noted in the accompanying table was out of gratuity appropriations "Irrigation Indian Service." The Reclamation Service has not yet completed the Carson-Truckee project so as to make irrigable the Indian lands, the irrigation of which was provided for in the above Act.

TABLE SHOWING THE EXPENDITURE FOR IRRIGATION IN THE ACCOMPANYING TABLE WAS OUT OF GRATUITY APPROPRIATIONS "IRRIGATION INDIAN SERVICE."

THE RECLAMATION SERVICE HAS NOT YET COMPLETED THE CARSON-TRUCKEE PROJECT SO AS TO MAKE IRRIGABLE THE INDIAN LANDS, THE IRRIGATION OF WHICH WAS PROVIDED FOR IN THE ABOVE ACT.

TABLE SHOWING THE EXPENDITURE FOR IRRIGATION IN THE ACCOMPANYING TABLE WAS OUT OF GRATUITY APPROPRIATIONS "IRRIGATION INDIAN SERVICE."

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1. The Commission of the Interior is authorized to construct the following table showing the expenditure for irrigation in the accompanying table was out of gratuity appropriations "Irrigation Indian Service." The Reclamation Service has not yet completed the Carson-Truckee project so as to make irrigable the Indian lands, the irrigation of which was provided for in the above Act.

TABLE SHOWING THE EXPENDITURE FOR IRRIGATION IN THE ACCOMPANYING TABLE WAS OUT OF GRATUITY APPROPRIATIONS "IRRIGATION INDIAN SERVICE."

WALKER RIVER, NEVADA.

POPULATION -----	450
AREA OF RESERVATION -----	50509
Allotted -----	9,983
Unallotted -----	<u>40,526</u>
VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912, (including funds in bank) -----	\$ 320,054.00
VALUATION, TRIBAL PROPERTY, 1912, -----	<u>38,015.00</u>
Total -----	\$ 358,069.00

Amounts Per Capita, To, \$795.71

IRRIGATION DATA:

Amount expended to June 30, 1912, -----	\$ 96,025.28
Total acreage susceptible of irrigation, (allotted) -----	5,500
Acreage now under projects under way, (allotted) -----	4,500
Total acreage irrigated, June 30, 1912, (allotted) -----	840

Legislation.

1. The Secretary of the Interior in "directed to allot on the land, on the Walker River Reservation in Nevada, susceptible of irrigation by the present ditches or extensions thereon, twenty acres to each head of a family residing on said Reservation, the remainder of such irrigable land to be allotted to such Indians on said Reservation as the Secretary of the Interior may designate, not exceeding twenty acres each; and when a majority of the heads of families on said Reservation shall have accepted such allotments and consented to the relinquishment of the right of occupancy to land on said Reservation, which cannot be irrigated from existing ditches and extensions thereof, and land which is not necessary for dwellings, school buildings or habitations for the members of said tribe, such allottees, who are heads of families shall receive the sum of \$300 each to accept them and commence the business of agriculture, to be paid in such manner and at such times as may be agreed upon between such allottees and the Secretary of the Interior.

Act, May 27, 1902, (32 Stat., L., 260)

NOTE: There is an item in the estimates for 1915, "Irrigation Indian Service" for making surveys on the Walker River Reservation/.

PIERRE SCHOOL, SOUTH DAKOTA.

AREA OF RESERVATION,----- 320 Acres.

IRRIGATION DATA:

Estimated cost of completed irrigation project,	\$ 25,000.00
Estimated are of " "	150 Acres
Amount expended to June 30, 1913,-----	23,301.35
Area irrigated from constructed works -----	100 Acres
Irrigated by Indians -----	40 "
" Whites -----	None.
Estimated value, irrigated land -----	\$150 Per Acre.

Legislation.

1. Appropriation, \$10,000., for "artesian well, water system and irrigation plant".  
Act, June 21, 1906, (34 Stat.L.370)
2. Appropriation, \$5000 "for completing irrigation plant".  
Act, March 1, 1907, (34 Stat.L.1047).
3. Act, March 1, 1907, supra, modified so as to make appropriation available in completing work on artesian well.  
Act, Feb. 15, 1908, (35 Stat.,L.5).
4. Appropriation, \$17,000, to complete irrigation plant.  
Act, March 3, 1911 (36 Stat.L.,1071)
5. Appropriation, \$4000, to "be used in the construction and maintenance of an irrigation system for the use of said school".  
Act, August 24, 1912, (37 Stat.,L.535)

COLVILLE, WASHINGTON.

POPULATION----- 2,261

AREA OF RESERVATION (ANNUAL REPT., 1912) 1,340,662 Acres.  
Allotments approved,-----  
Allotments made in field, -- 79,018 Acres during fiscal year, '14

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(Including funds in bank, \$606,141)----- \$ 4,381,893.00

VALUATION, TRIBAL PROPERTY, 1912,  
(Lands exclusive of timber, \$12,372,000  
Timber, 4,213,272  
Funds in Treasury, 783,904.36      17,369,176.36

Total ----- \$21,751,069.36

Amounts Per Capita To-- \$      9,775.00

TOTAL ACREAGE SUSCEPTIBLE OF IRRIGATION:----- 39,520  
Allotted ---- 16,960  
Unallotted -- 13,500  
Agency land -      60

TOTAL AMOUNT EXPENDED TO JUNE 30, 1913, IN PRELIMINARY  
INVESTIGATIONS ----- \$2,488.45

ACREAGE UNDER PROJECTS CONTEMPLATED BUT NOT UNDER WAY, 4,500  
Allotted ----- 1,000  
Unallotted --- 3,500

TOTAL ACREAGE IRRIGATED, JUNE 30, 1912, ----- 2,505  
Allotted, ---- 1,800  
Unallotted, --- 705

Legislation.

1. "That the Indians living along and near the Colville River in Stevens County, State of Washington, to whom trust patents have been issued, containing restrictions upon alienation, may sell and convey for drainage purposes, so much of said allotments as may be necessary for right of way for drainage canals", subject to the approval of the Secretary of the Interior.

Act, April 21, 1904, (33 Stat.L.219).

2. Act to authorize the sale and disposition of surplus or unallot-

ted lands of the diminished Colville Indian Reservation - See especially Sec. 12, providing that lands in the diminished Colville Reservation, which can be included in any feasible irrigation project under the Reclamation Act of June Seventeen, 1902, may be disposed of under the latter Act, the charges provided therein to be in addition to the appraised value of said lands, etc.

Act, March 22, 1906, (34 Stat.L.,80)

NOTE: The estimates in the pending Indian bill for 1915 contemplate the expenditure of \$5000 for preliminary surveys on the Reservation. ~~Why~~ are gratuity expenditures for Indians worth \$9,775 per capita?



STATISTICS AND DIGEST OF LEGISLATION

RELATING TO PROJECTS

CONSTRUCTED AND MAINTAINED FOR

THE MOST PART

FROM

GENERAL GRATUITY APPROPRIATIONS.

EXPENDITURES FROM GENERAL IRRIGATION APPROPRIATIONS, UP TO JUNE 30, 1912.  
(NOT INCLUDED ELSEWHERE).

\*\* (in Engineer's report, June 30, 1913)  
\*\* " " " " " "

ARIZONA:

Camp McDowell, -----	\$ 19,580.75
Camp Verde, -----	750.00
Fort Apache -----	6,204.70
Havasupai, -----	3,339.61
Kaibab, -----	5,073.02
Leupp, -----	6,608.76
Keams Canyon, -----	5,567.30
Rice Station, -----	7,855.77
San Carlos, -----	65,218.01
Truxton Canyon, -----	15,352.52

COLORADO:

Fort Lewis, -----	522.69
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IDAHO:

Fort Lapwai, -----	3,461.75
Lemhi, -----	2,268.25

MONTANA:

Fort Shaw, -----	2,769.31
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NEVADA:

Carson School, -----	1,011.95
Fort McDermitt, -----	1,626.82
Lovelocks, -----	116.92
Moapa River, -----	3,309.65
Western Shoshone, -----	31,019.01

NEW MEXICO:

Albuquerque, -----	4,818.08
Jicarilla, -----	10,501.22
Mescalero, -----	1,099.56
Puebllos, -----	59,001.81
San Juan, -----	7,112.23
" " (Hogback), -----	167,315.09
Santa Fe Schools, -----	3,422.74
*Zuni, -----	518,122.87

OREGON:

Warm Springs, -----	200.00
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SOUTH DAKOTA:

Pine Ridge, -----	30,231.59
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TAH:

Shiwits, -----	99.98
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Administration; special investigations, etc., -----

324,024.77

CALIFORNIA RESERVATIONS.

Reservation or School.	Population.	Acreage of reservation, more, UNALLOTTED.	Total individual : Indians & tribal property valuations.	Per capita amount	Estimated cost, completed irri- gation project.	Estimated acre, re-completed irri- gation project.	Amount expend- ed to June 30, 1913.	Acre irri- gated from com- pleted works.	Irrigated by: Indians (ACRES)	Total acreage susceptible of irrigation.
CAMPO: (Cuyapipe, Loguna, La Pastera & Manzana.)	246	25,399	\$ 100,980.00	\$ 443.01	-----	-----	\$ 1,506.39	-----	50	1,383
MLAKI:										
Martinez, Torres,	273	22,080	542,611.00	1,987.89	-----	-----	10,256.13	-----	380	2,791
Cabanen,	57	1,280	268,304.00	4,707.09	-----	-----	12,104.75	-----	-----	-----
Horango,	258	11,069	139,850.00	542.65	-----	1,200	53,781.08	700	-----	-----
Mission Creek,	6	1,920	45,582.00	7,587.50	\$ 8,930.00	130	419.78	-----	-----	-----
Agua Caliente:										
(Palm Springs, & Garden Eden,	37	7,705	71,836.50	1,941.53	-----	-----	10,270.78	-----	-----	-----
San Manuel,	66	652	4,700.00	71.21	-----	6	1,432.80	50	30	-----
Twenty Nine									6	-----
Palm,	58	480	70.00	1.21	-----	-----	60.57	-----	-----	-----
Augustine,	20	614	45,725.00	2,286.25	-----	-----	2,477.81	-----	-----	-----
FT. SIDWELL,	628	19,570 *	537,565.00	856.04	-----	-----	-----	-----	200	19,200
FLA:										
La Jolla,	192	4,480 *	137,683.75	717.10	-----	-----	31,153.63	-----	692	1,846
Puma,	250	8,320	32,705.00	130.82	-----	300	8,182.50	-----	-----	-----
Rincon,	92	230	17,804.25	242.39	-----	-----	88.81	-----	-----	-----
	144	2,554	47,761.61	331.82	35,000.00	-----	12,515.95	-----	-----	-----
PECHANGA,	215	5,195 *	16,769.00	78.00	-----	-----	4,732.32	-----	-----	230
SABOBA,	141	5,461	99,862.00	708.24	-----	-----	25,367.84	-----	400	1,649
Cahuilla,	150	18,880	91,205.00	608.70	-----	-----	100.00	-----	-----	-----
Santa Rosa,	73	2,560	31,807.50	435.72	4,045.00	90	1,579.42	-----	-----	-----
Santa Ynez,	64	120	15,840.00	247.50	-----	-----	2,997.88	-----	80	-----
TULE RIVER,	153	40,551	263,235.52	1,720.43	-----	-----	-----	-----	65	100
VOLCAN:										
Sycuan,	38	640 *	-----	-----	-----	-----	2,308.85	-----	-----	-----
Meen Grande, & Santa Ysabel										
No. 1, 2 & 3,	550	15,042	-----	-----	-----	-----	2,149.46	-----	-----	-----
Imaja,	32	760	-----	-----	-----	-----	4.76	-----	-----	-----
Capitan Grande,	135	15,000	-----	-----	-----	-----	5,501.67	-----	-----	-----
FOR ALL			66,130.00	75.15	-----	-----	-----	-----	-----	-----
OWENS VALLEY,	2000	70,400	-----	-----	\$2,000,000.00	3,500	1,268.27	-----	-----	-----
SAN PABLO,	88	2,200	-----	-----	-----	-----	1,174.56	-----	-----	-----

\* Ft. Sidwell, ----- 19,200 acres (ALLOTTED)  
 \* Pala, ----- 120 " "  
 \* Pechanga, ----- 1,299 " "  
 \* Sycuan, ----- 270 " "

IRRIGATION, INDIAN RESERVATIONS.

1. \$50,000, "for the purpose of constructing irrigating ditches on Indian Reservations, and instructing Indians in farming in connection therewith".  
Act, July 4, 1884, (23 Stat.L.94)
2. \$30,000, "for the construction, purchase and use of irrigating machinery and appliances in Arizona, Montana and Nevada for the use of Indian reservations, in the discretion of the Secretary of the Interior and subject to his control".  
Act, March 3, 1891, (25 Stat.L.1011).
3. \$40,000, "for the construction, purchase, and use of irrigating machinery and appliances, on Indian reservations, in the discretion of the Secretary of the Interior", etc.  
Act, July 13, 1892, (27 Stat.L.137)
4. \$40,000, "for the construction, etc" (same as paragraph 3, supra), provision being made for one artesian well at each of the following places: Rosebud, Standing Rock and Pine Ridge, neither well to cost more than \$5000.  
Act, March 3, 1893, (27 Stat.L.631)
5. \$30,000, "for construction, etc." (same as paragraph 3, supra)  
Act, August 13, 1894, (28 Stat.L.305)
6. \$30,000, (same as paragraph 3, supra).  
Act, March 2, 1895, (28 Stat.L.900).
7. \$30,000, (same as paragraph 3, supra, with the following proviso): "Of this amount, not exceeding \$2700, may be used for the temporary employment of persons of practical experience in irrigation work at a compensation not to exceed \$75 per month each, and not exceeding \$1500 for necessary traveling and incidental expenses of such persons."  
Act, June 10, 1896, (29 Stat.L.341).
8. \$30,000, same as paragraph 7, supra, except that the persons employed in irrigation work may have "compensation not to exceed \$100 per month each".  
Act, June 7, 1897, (30 Stat.L.85).
9. \$40,000, "for construction of ditches and reservoirs, purchase and use of irrigation tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control".  
Act, July 1, 1898, (30 Stat.L.591)
10. \$40,000, same as paragraph 9, supra.  
Act, March 1, 1899, (30 Stat.L.940).
11. \$50,000, same as paragraph 9, supra, with the following proviso: "The Secretary of the Interior may employ superintendents of irrigation who shall be skilled irrigation engineers not to exceed two, as in his judgment may be necessary to secure the



construction of ditches and other irrigation works in a substantial and workmanlike manner; and also one clerk in the Office of Indian Affairs, at a salary of \$1000 per annum".

Act, May 31, 1900, (51 Stat.L.239).

12. \$100,000, "for construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations", etc., same as paragraph 11, supra.

Act, March 3, 1901, (51 Stat.L.1076).

13. "For pay of eight Indian inspectors, one of whom shall be an engineer, competent in the location, construction and maintenance of irrigation works, at \$2500 per annum each.

Act, March 3, 1901, (51 Stat.L.1060).

14. Same as paragraph 13, supra.

Act, May 27, 1902, (52 Stat.L.247)

15. \$150,000, same as paragraph 12, supra.

Act, May 27, 1902, (52 Stat.L.261).

16. Same as paragraph 13, supra.

Act, March 3, 1903, (52 Stat.L.983).

17. \$150,000, same as paragraph 12, supra, except the number of skilled engineers to be employed, shall "not exceed four".

Act, March 3, 1903, (52 Stat.L.997)

18. Same as paragraph 13, supra.

Act, April 21, 1904, (53 Stat.L.191).

19. \$185,000, of which \$35,000 to be "immediately available", same as paragraph 13, supra, except the following: "Provided, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed four, as in his judgment may be necessary, to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner".

Act, April 21, 1904, (53 Stat.L.206).

20. "For pay of eight Indian inspectors, two of whom shall be engineers, one to be designated as chief, competent in the location, construction and maintenance of irrigation works, at two thousand five hundred dollars per annum each, except the chief engineer, who shall receive three thousand five hundred dollars, twenty-one thousand dollars: Provided, that the requirement of two engineers skilled in irrigation shall become immediately operative".

Act, March 5, 1905, (53 Stat.L.1049).



21. \$185,000. "For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, one hundred and eighty-five thousand dollars, of which twenty-five thousand dollars shall be made immediately available: Provided, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ such superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed four, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner."

Act, March 5, 1905, (33 Stat.L.1050).

22. \$185,000. Same as paragraph 21, supra, except that \$25,000 is made immediately available.

Act, June 21, 1906, (34 Stat.L.328).

23. Same as paragraph 20, supra.

Act, June 21, 1906, (34 Stat.L.330).

24. \$125,000. Same as paragraph 20, supra., except as to the amount of the appropriation and except not to exceed five skilled engineers may be employed.

Act, March 1, 1907, (34 Stat.L.1017).

25. Same as paragraph 21, supra.

Act, March 1, 1907, (34 Stat.L.1019).

26. \$200,000. "For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances and water rights, including lands necessary for canals, pipe lines, and reservoirs, for Indian reservations, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, two hundred thousand dollars, of which twenty-five thousand dollars shall be immediately available; Provided, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed five, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner."

Act, April 30, 1908, (35 Stat.L.71).

27. Same as paragraph 21, supra.

Act, April 30, 1908, (35 Stat.L.74).

28. \$200,000. "For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and water rights,

including lands necessary for canals, pipe lines, and reservoirs, for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, two hundred thousand dollars, to be immediately available and to remain available until expended: Provided, That the Commissioner of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed five, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workman-like manner."

29. For pay of two Indian inspectors who shall be engineers, one to be designated as chief, competent in the location, construction and maintenance of irrigation works; one at \$2500 per annum and one at \$3500 per annum".

Act, March 3, 1909, (35 Stat.L.782).

30. \$249,100. "For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, two hundred and forty-nine thousand one hundred dollars, of which twenty-five thousand dollars shall be immediately available, and the balance of the appropriation shall remain available until expended: Provided, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this Act or for which public funds are or may be available under any other Act of Congress, and hereafter no new irrigation project on any Indian reservation, allotments, or lands, shall be undertaken until it shall have been estimated for and a maximum limit of cost ascertained from surveys, plans, and reports submitted by the chief irrigation engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and such limit of cost shall in no case be exceeded without express authorization of Congress, and hereafter no new project to cost in the aggregate to exceed thirty-five thousand dollars shall be undertaken on any Indian reservation or allotment without specific authority of Congress; and the Secretary of the Interior shall transmit to Congress on the first Monday in December, nineteen hundred and ten, a statement, by systems or projects, showing the original estimated cost, the present estimated cost, and the total amount of all moneys from whatever source derived, expended thereon for construction, ex-

tension, repair, or maintenance, of such irrigation system or reclamation project on Indian reservations, allotments or lands to and including June thirtieth, nineteen hundred and ten; and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year: Provided further, That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service: for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, four thousand dollars; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, two thousand five hundred dollars; for traveling expenses of two inspectors of irrigation, at three dollars per diem when actually employed on duty in the field, exclusive of transportation and sleeping car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiations, inspection and investigation, including telegraphing and expense of going to and from the seat of government, and while remaining there under orders, four thousand two hundred dollars: Provided, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed seven in number."

Act, April 4, 1910, (36 Stat.L.270).

31. \$314,300, "For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, three hundred and fourteen thousand three hundred dollars, to remain available until expended: Provided, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this Act or for which public funds are or may be available under any other Act of Congress: Provided further, That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section thirteen of the Act of June twenty-fifth, nineteen hundred and ten, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out



existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, four thousand dollars; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, two thousand five hundred dollars; for traveling expenses of two inspectors of irrigation, at three dollars per diem when actually employed on duty in the field, exclusive of transportation and sleeping car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, four thousand two hundred dollars; in all, three hundred and twenty-five thousand dollars: Provided also, That not to exceed seven superintendents of irrigation, who shall be skilled irrigation engineers, shall be employed."

Act, March 3, 1911, (36 Stat.L.1053).

32. \$325,000, same as Paragraph 31, supra.

Act, August 24, 1912, (37 Stat.L.518).

33. \$335,000, same as Paragraph 31,

Act, June 30, 1913, (Public #4, 1).

34. \$345,700, Item in estimates, pending Indian Bill for 1915. Same provisions as in Paragraph 31, supra, except provision for the employment of an examiner in addition to the District superintendents of irrigation.

Section 1. The proportionate cost of all projects, including cost of construction and maintenance, heretofore commenced or completed or hereafter constructed for the irrigation of Indian lands whether paid for out of gratuity appropriations made by Congress or from direct or reimbursable appropriations from tribal funds in the Treasury of the United States shall be apportioned equitably by projects by the Secretary of the Interior, and the cost thus determined, which cost in no case shall exceed the reasonable valuation of the irrigation benefits at the time said determination of costs is made, shall become a charge against the land under said projects from the date of said apportionment of cost by the Secretary of the Interior whether said land is allotted or unallotted and whether held under trust patent in the name of individual allottees or held in common by the tribe. This charge shall become a first lien on such land; in the case of trust patents already issued, notice of such lien shall be given in such manner as the Secretary of the Interior may from time to time prescribe; and in the case of trust patents or patents in fee hereafter issued for allotments benefitted by such irrigation projects, the fact of such lien shall be recited on the face of said trust patents or patents in fee and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee or his heirs or other persons of Indian blood, deemed by the Secretary of the Interior to be equitably entitled to said exemption, shall actually occupy the allotment and the receipt of the Secretary of



the Interior or of the officer, agent or employee duly authorized by him for that purpose for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the Recorder of Deeds in the County wherein the land is located, operate as a satisfaction of such lien; in the case of projects heretofore or hereafter constructed in whole or in part from tribal funds, the Secretary of the Interior is authorized to reimburse said tribal funds the amount of the irrigation costs thus charged, from the pro rata share in the tribal funds expended on such project, when distributed, to which the owners of the land benefited are entitled, for the payment of such owners' respective portions of said costs; and if such pro rata shares of the individual allottees are not sufficient to cover their pro rata portions of the costs of irrigation assessed against their land, then the difference between the said irrigation costs and their respective pro rata shares in the tribal fund shall become a first lien against their land subject to the conditions hereinbefore provided, and, when said land shall pass from the ownership of said allottees or their heirs or other persons of Indian blood, deemed by the Secretary of the Interior to be equitably entitled to the same exemptions as the original allottees or his heirs, the amount of said lien shall be reimbursed to the tribal fund from the proceeds of the sale of the land in accordance with regulations to be prescribed by the Secretary of the Interior, or, if such

tribal fund finally shall have been distributed, then the amount of said lien shall be paid into the Treasury of the United States for distribution to the members of the tribe entitled thereto under rules and regulations prescribed by the Secretary of the Interior, in the case of projects constructed in whole or in part from gratuity appropriations made by Congress the irrigation costs assessed against the land as herein provided shall be reimbursed to the Government when the land passes from Indian ownership, said costs to be and remain a first lien against said land until paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior.

Section 2. The Secretary of the Interior, on or before July 1, 1914, shall establish a uniform system of cost keeping in connection with the maintenance of all projects for the irrigation of Indian lands and after that date all charges of operation and maintenance shall be apportioned equally by projects, among the lands under the various projects whether beneficial use of the same is made or not, said costs to be paid in accordance with rules and regulations to be prescribed by said Secretary of the Interior, the same, unless paid in accordance with said rules and regulations to become a charge and lien against said land as hereinbefore provided.

Section 3. No new irrigation project to be paid for from Indian funds shall be authorized by Congress until the purpose and scope of said project and the estimated cost thereof shall have been explained to the Indians whose funds it is proposed to

use for such purposes and they shall have been given opportunity to express in writing their views thereon, either through their duly authorized business committee, or through a general council or meeting of said Indians at such time and in such manner as the Secretary of the Interior may direct; and, the Secretary of the Interior shall permit, under rules and regulations to be prescribed by him, the individual Indians, whose land is under said projects, to express in writing their views with respect to the costs of operation and maintenance of said projects prior to the final determination and assessing of said costs by him against their lands.

Section 4. No part of the appropriations heretofore for hereafter made for the pay of salaries and incidental expenses of the chief inspector of irrigation and assistant inspector of irrigation and general superintendents of irrigation in the Indian Service or for other engineers or employees engaged in the work of investigation or general supervision in connection with the irrigation of Indian lands, shall be included as a part of the cost to be apportioned and assessed as hereinbefore provided, against Indian lands under irrigation projects, except where the services of said employees are so localized and so clearly associated for a definite period of time with any given project as a necessary integral part of the field work thereon, that the value of their services in connection therewith are accurately ascertainable; and, nothing herein contained shall be construed to prohibit reasonable expenditures from any available

THE SALE OF ADULT INDIAN LANDS

By Warren K. Moorehead, Member of the Board of

U. S. Indian Commissioners.

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As is now generally known, practically seventy per cent of the allotments made to members of the Five Civilized Tribes are unrestricted, or removed by Acts of Congress from the supervision of the Government. Allotments of Indians of full blood and those having three-quarters or more Indian blood are entirely restricted; the homestead allotments of those enrolled as one half blood and more (and less than three-quarter) are also restricted; all others are unrestricted. While all mineral leases of restricted lands must be approved by the Secretary of the Interior, the allottee may lease this same land for agricultural purposes, without the approval of any one, for five years for his surplus, and one year for his homestead. There is no Governmental supervision of the sale of land now inherited by the full blood or other Indians, except the few cases where the deceased allottee was in the stricted class when living and had surviving children who were not enrolled. This supervision has been vested by Congress in the Probate Courts of Oklahoma.

If the Indian is a ward of the Government, and the Indian Office has arranged to sell his allotment in order to support him in his old age, or procure him land elsewhere, the Government is frequently prevented from perfecting a sale. It is done in the following manner: The white rascal comes to the Indian and by paying him a small sum of money, persuades him to execute a new lease. When the officers of the Indian Office arrange to transfer the property to the buyer, it is ascertained that the land has



been leased. The Government or the real farmer who buys the land must either then pay the lessee a bonus, or the sale fails of execution. The amounts involved are usually a few hundred dollars, but the practice has become widespread and large numbers of undesirable citizens (petty grafters) have taken advantage of the situation, and prevented sales.

If the Indian escapes the lease shark, and is sharp enough to elude the land buyers residing in the small towns, he is still beset by the man who makes a specialty of the purchase of lands on which taxes have not been paid.

A prominent citizen of Oklahoma, who is not employed by the government, and is interested simply in the welfare of the Indian, has written a letter to Governor Lee Cruce, in which he sets forth the deplorable situation of Indians who have fallen afoul of the dealers in tax titles. I can give no better idea of the situation than to quote from a letter written March 24, 1913. I purposely omit all names:

"Our Revenue Laws are probably alright for an old community, but they fall far short of the requirements in the Old Indian Territory portion of the State of Oklahoma. You of course understand that it will take some time to acquaint the allottees of the Five Civilized Tribes with the Land Tax requirements and conditions. The Indian knows nothing whatever about paying taxes on land and he is therefore naturally an easy prey to the fellow who buys Tax Certificates and get Tax Deeds. In the first place the Indian is not sure as to whether or not he must pay taxes. Some lands are taxable and others are not and the same Indian may find that he is required to pay taxes on one tract of land and needs pay no taxes on other lands. The condition is such that it is easily a trap for him. As a result his taxes become delinquent, a Tax Certificate is issued, later a notice appears in a newspaper printed in the English language which he can probably not read, and before he knows it he finds that the county has made a Tax to some fellow on his farm and that his tenant has been intimidated into renting from the man who holds the Tax Deed. If he wants to pay the small amount expended the money is refused and he is politely informed that if he brings suit the case will be carried through the Higher Courts and the property kept in litigation as long as lawyers, adept in dilatory tactics, can keep it thus tied up. Sometimes these Tax Deed pirates are willing to take back their money with 18 per cent interest and all their expenses, together with what they call a "Bonus" ranging from \$50.00 to \$500.00. At other times they are able to frighten the Indian into accepting a small amount and executing a valid conveyance.



Not only does the above condition exist as to adults lands but it also exists as to property owned by children. The law gives the child until one year after it becomes of age in which to redeem its land from tax sale, but nevertheless you will find, upon investigation, that deeds are issued within the same time as is required to elapse in the case of an adult. These Tax Deeds on minors lands seem to be particularly favored by some of these tax title buyers. They take the position that there is seldom any one to interfere. Only lands are taxable from which restrictions are removed. If one of these fellows gets a deed on this unrestricted land he takes possession at once and the child then has not land upon which money can be raised to make a fight against him. If a Guardian is appointed the chances are that the Guardian will not get possession of enough land to enable him to raise sufficient funds to even make a tender of the amount of tax money paid by the Tax Deed holder. If he is able to raise the money the tax man will wear him out in Court before giving up the land. His policy is to take possession of the property, make improvements of some character, hold the lands, and try to keep the litigation alive as long as possible in the hope that the child will either arrive at age and compromise with him, or that pneumonia or tuberculosis will come to his assistance and permit him to get quit claim deeds at a small amount from the child's heirs. He does not make the improvements on the land in order to increase his revenues. He does that because he can make a claim for all improvements made on the property in case the child should recover a judgment cancelling his tax deed.

Some of these fellows engaged in this despicable work place leases of record as soon as they get their tax deeds and frequently make conveyances to parties residing in some other State and thereby complicate matters as much as possible. I even know one who seems to have adopted the policy of answering no letters in regard to these tax matters. I have written him several times, enclosing self-addressed stamped envelope for reply but always fail to hear from him. He keeps an office but very seldom is he to be found. He is usually "out of town".

The clouding of titles in this manner is deplorable in the extreme. The State of Oklahoma ought to be a partner in robbing its most ignorant and improvident citizens. The greed of some of these tax title buyers is nauseating. Their conduct is grabbing possession of infants' property and insisting upon exacting what they term "Bonus" money and should be made a crime as it is nothing more or less than extortion."

Senate Bill Number 343 which passed the Oklahoma Legislature and was duly approved by the Governor, makes a felony of the recording of any deed purporting to convey the restricted homestead of a member of the Five Civilized Tribes. The effect of this Act is merely to provide a penalty for the recording of an instrument which on its face is absolutely a nullity. The restricted homestead of the members of the Five Civilized Tribes cannot be sold without the approval of the Secretary of the Interior. If such a deed is made and approved as provided by law, the approval of the Secretary furnishes the Indian with complete protection in the transaction, and any deed recorded without this approval, conveys nothing.

While the bill might prevent some imposition upon the Indians, it does not meet such requirements as are needed.

The protection these restricted Indians need is in the sale of lands which they are permitted by law to sell without the approval of the Secretary. These lands which may be thus sold are the lands inherited by full bloods from deceased relatives and there are many instances where these full bloods have inherited as many as six or eight allotments, each. It is provided by the Act of May 27, 1908, that these full blood Indians can convey lands so inherited by them upon the approval of the county courts of Oklahoma. This power was transferred to the Probate Judges of the counties by Congress without defining any procedure and as the statutes of Oklahoma contain no laws whatever, providing for hearing and considering such matters, the most flagrant wrongs have been inflicted upon Indians signing deeds and brought into the county courts for approval. The courts not being controlled by statutes on the subject, in many instances have approved these deeds without information other than that given them by the purchaser or the party interested, and their action has been either perfunctory or influenced solely by the desires of the purchaser of the lands.

In the very nature of the situation there was no competition or publicity in connection with these sales and the full blood Indians, unused to business transactions, and, in fact, incompetent to deal in his land, was content to take only what the purchaser offered him and in a great many cases where the purchaser, for the purpose of making an appearance in the presence of the court of paying for the land did actually pay over the consideration, afterwards, outside the court room found some way to get the money back from the Indian.

It was to correct this situation and provide some method of procedure which would afford these full blood Indians some protection

against their own incompetence and the cupidity of the white man, to compel publicity and competition in connection with these sales and secure to the Indian a fair consideration for his lands and protect him in the consideration paid that the probate bill prepared by those who are endeavoring to protect these Indians was introduced into the Oklahoma House of Representatives; this bill was championed by Mr. E. P. Hill, chairman of the house judiciary committee, and at one time attorney for the Choctaw Indians, and H. B. Teebe, a Cherokee Indian. Much of the legislation passed the house without a dissenting vote. After its introduction into the senate when the news of this effort to afford protection to the Indians became noised about the State, a lobby was established in Oklahoma City and a concerted effort to prevent the enactment of this measure into law finally succeeded in killing the bill in the committee of the senate.

Congress has recognized and the country has appreciated that the full blood Indian is incompetent to deal in his property. This act of May 27, 1908, transferred to the County Courts of Oklahoma, the power theretofore exercised by the Secretary of the Interior of supervising and protecting these full blood Indians in the sale of lands taken by inheritance. It was assumed by Congress that local authority would provide a method for protecting these Indians in the sale of this land; but the Oklahoma Legislature refuses to enact any legislation looking to the supervision and self-guarding of their interests when making such sales.

The only remedy for the situation is statutory regulation by the State. Upon the refusal of the State to act Congress should lodge this discretion for the protection of its wards somewhere else.

The protection of the Indians as individuals, whether adults or minors, has until recently fallen entirely upon the shoulders of the representatives of the Interior Department. It has required the services

of hundreds of men, for the reason that the work is not only complicated, but of great magnitude. The past few years the office detail has increased in a surprising ratio. This is due to individual application for removal or restrictions, increased activity in leasing for oil purposes, and the unrestricted Indians deluging the Indian office at Muskogee with complaints. In fact, much of the time of the office force is consumed in handling this class of cases. And the work in behalf of the full blood and restricted Indians is hampered because of the efforts to look after the unrestricted Indian who has long been special prey of the grafters and over whom the Department has no control.

In these inherited cases unless the State of Oklahoma furnishes the machinery, or the state officials charged with the duty of approving these deeds, avail themselves of the machinery and force of the Government, in the great majority of the cases where the land sought to be sold lies in distant counties, there is no way that the Court can ascertain the value or condition of the property, except by relying upon the statements of the Indian heir who probably never saw the land.

SCHOOL SUGGESTIONS.

A trip through the remote full-blood settlements clearly proves the statement that there are hundreds - and probably thousands - of full blood children receiving no education whatever, and it is a sad thing to contemplate when we realize that there is a rapidly growing class of Indians, born since March 4, 1906, when the rolls were closed, that are now nearly of school age, that have no allotments or status as members of the tribes, and their only property is what they may receive by inheritance. What will be their position in life when they grow up, unable to speak English, and without any knowledge of business dealings? While some assistance is given by the federal appropriation to aid the common schools of the state, the fund and administrative machinery of the school officials is entirely inadequate for the purpose of providing and seeing that the Indians secure needed school facilities. Of course the ideal way would be to have local neighborhood schools that the children could attend, and at the same time be daily in contact with their parents, both thereby absorbing the benefit of the daily school work, but there are many localities, where even if there were a school to cover a radius of from two to three miles, it would be almost impossible for the children to attend at that distance in the rough mountainous localities. Three miles in the winter time on a mountain road is a long ways. The children are poorly clad,



and with very little inclination to go to school, would be more likely to stay away than attend. In cases where neighborhood schools are not feasible, then the children should be put in boarding schools either in or out of the state. They must have some education. If not the ideal kind, then what can be given them is certainly better than none. It would seem to be just as much the duty of the Government of the United States to see that this younger element of full-bloods in Eastern Oklahoma receives an education, as the full-bloods in Arizona, New Mexico, or the Dakotas. This educational problem is one of the big things that must be aggressively grappled with in connection with the Indian situation. Failure to give these full-blood Indians at least a common school education will certainly result in their being public charges, sooner or later, and such a policy from every possible viewpoint could not in any way be economical, but on the contrary would be "penny-wise." Unless we are to adopt the cold-blooded policy that we have no interest in the education of these Indians, and the matter left entirely to local authorities, either direct appropriation should be made for the particular work, or sufficient money covered in the general Indian Service school appropriations to establish some permanent educational system. It ought to be one that is not subject to change every time the "wind blows." Where there are enough Indian children who can reach a neighborhood school, and the local county authorities have not the means, the Government

should provide a building and see that a school is maintained, allowing whites and Indians to go, and prorating the expense. Where this can not be done, the Indians should be sent away to school. If necessary, in order to make the poor children presentable, so they would not be backward about going with whites, school clothes could be furnished, and books. Local government school officials should be given a restricted area, have only such territory as they can look after, and visit each Indian family and each district at frequent periods, and see and know that the Indians are in school, using the compulsory law, if necessary. If there are only a few Indian children in a white school, and they can not keep up with their studies, and therefore not gaining as they should, but becoming discouraged and staying away, then these children should be put in schools where the proportion of whites and Indians is more evenly divided, or sent away to school. In fact, every sensible thing should be done to see that every Indian child of school age goes to school when he is physically able, instead of the haphazard manner of those going that want to, and most of them not going at all.

## THE CRITICAL PERIOD IN INDIAN AFFAIRS.

Notwithstanding the great progress made in the education and civilization of the Indian, the difficulties of Indian administration are increasing. The further we enter into that phase of our dealings with the Indian which is marked by the removal of the pampering hand of paternalism and the transfer of the responsibilities of complete citizenship to the shoulders of the Indian himself, the greater appear the difficulties to be encountered. This "citizenship" era into which we have barely entered may be properly characterized the "critical period" in Indian affairs.

The truth is, that the Government's work in connection with the protection and supervision of Indian property alone will increase two-fold over its present volume before it can be expected to become less.

How shall the Government meet its growing responsibility?

Will public opinion support Congress in making larger appropriations to pay the greater force of employees that will be needed to carry the increasing burdens of administration?

How can public opinion be expected to support such a policy on the part of Congress when the most of public opinion on Indian affairs is created in the vicinity of Indian reservations where large bodies of Indian land are untaxed and where the white man's land carries a double burden of taxation in order to support schools and build roads and make other improvements incident to the development of communities?

How can the Indian population in those same communities be expected to develop a public sentiment of its own in favor of any

definite program of progress so long as the initiative of the Indian is discouraged and his manhood suppressed under the existing system which deprives him of a voice in the management of his own affairs? Congress will not increase appropriations. On the contrary, the tendency is to diminish them and this tendency is growing in direct ratio with the tendency to remove restrictions from Indian property and open Indian lands to settlement and purchase.

The present crisis in Indian affairs is largely an economic one. It involves mainly the problem of protecting Indian property and at the same time of saving the Indian from being debauched by it by permitting him to exercise control over it, while at the same time directing that control so that it shall not impoverish but shall educate and strengthen him to stand unaided.

The true remedy is partly suggested in one paragraph of a letter which I recently received from Joe Craig, an educated Umatilla Indian. Mr. Craig is not a "kid glove" Indian who looks at things from the angle of many educated Indians who volunteer solution of Indian questions. Craig lives on his allotment, farms it with his own hands and in addition farms several allotments which he has leased from other Indians; he wears his hair in two long braids and in many respects lives the life of his tribal brothers. He writes:- "This grand Government of ours may boast of everything, but it has failed, neglected and refused to give to the North American Indian a voice at least in the administration of his own affairs. My humble opinion is, until the intelligent class of Indians have been given the opportunity to present their views

upon Indian matters that directly concern their welfare, the so-called 'Indian Problem' that has baffled the white man's brain for more than half a century will stand unsolved."

The philosophy contained in this paragraph must be burned into the hearts and brains of legislators and administrators and written into the law and the law executed, before the people of this country can truthfully say they have made even a beginning toward the final solution of the so-called Indian problem.

Hand-in-hand with the remedy of representation suggested by Mr. Craig, must come a shifting of the burden of administering Indian property from the Government to the shoulders of the Indian. Indian property must begin to protect and preserve itself; it must be made to bear its own administrative burdens. Indian land which heretofore has been free from taxation must at the proper time begin to bear its just share of the <sup>burden of</sup> taxation, for the support of the common state Government which in the future must more and more be looked to for protection. Indian land subjected to irrigation must bear the cost of reclamation and administration; Indian forests must pay for their protection and preservation; Indian moneys deposited in banks must earn enough interest to pay the clerks who handle the funds; leasing of Indian lands by the Government must be reduced to a minimum; and where such leasing is done for minors and dependents, the income from these leases should pay the cost of administration. In short, a system of law and administration must be worked out which will make Indian property by means of taxation and otherwise, automatically self-supporting, leaving to the Government the single financial burden of a bigger,



broader, more vigorous educational policy, while converting Indian property into a positive educational force, to be utilized for the Indian's moral, intellectual and spiritual advancement.

Much is being said these days in favor of suffrage for the American Indian. I heartily endorse this idea. But, important as this question is, it is not to be compared in importance with the need of a policy of law which shall recognize the right of the Indian to some voice in the expenditure of his own money and in the management of his own property. Thousands of dollars of his money received from the lease of land and from other sources have been used year after year to pay employees engaged in his education and civilization in utter violation of this God-given right. It is time for a change. Every law on the statute books, every rule and regulation in force today which does not recognize this fundamental right should be wiped out.

Our forefathers took up arms to resist taxation without representation. The Indians' cause of complaint today is not against taxation without representation, but against absolute confiscation without representation.

The main argument in favor of giving the Indian a voice in handling his property, however, is not to be found in the property loss that has been suffered by him; it is the sacrifice of Indian manhood caused and continued by the existing order of things which cries out for a change.

In dealing with the Indian we have been trying to change immutable laws. The muscle develops through exercise; one individual cannot think or grow, or do for another; the child must creep before it can walk; it can learn the lessons of life only through experience. The Indian must creep before he can walk under the responsibilities of the white man's civilization; and he must creep and walk as an Indian and not as a white man. We too often forget that.

The Indian, driven to the furthestmost mountain heights, to the arid desert, to the wind-swept plains by the white man's civilization, has suddenly found himself in possession of unlimited mineral and agricultural wealth ready to be converted into enormous money values by the genius of the white man through the development of the arts of irrigation, of mining engineering and railroad building. What greater calamity could have overtaken him than to have had thrust upon him unmeasured wealth without any knowledge of how to care for it? What race of people could have been found, more untrained in the handling of money, more unfitted to bear the burdens and responsibilities of a highly organized economic system, than ~~these men of the stone age~~ the North American Indian?

Living for generations in the forests, in the mountains, on the plains; his ears attuned to the music of the brook, the singing of the birds, and the sighing of the breezes; his eyes the medium of the messages from his manifold deities through the stars, the sun and the trees, the wild animals were his only tutors and companions. This simple environment with which his nature-world surrounded him, this "nature library," developed his intellect and his character, gave him his religion, his art, his philosophy,

everything that prepared him for complete living in his own cultural way; everything which unfitted him for measuring the value of his activities in dollars and for adjusting himself to the environment of the complex economic conditions which a white civilization had thrust upon him.

Naturally it has been necessary during the period of transition from his own stage of culture to the white man's civilization, for him to receive the protection and assistance of the Government. But is that protection and assistance being exercised in such a manner that it is real protection, real assistance? Is it actually fitting him for his present environment and the changed conditions? How is he to grow into the civilization of the white man except by growing according to the only law of growth so far known to God or man, the law of exercise?

To give him full control of his property is not to be considered. Of the Indians who have received fee titles to their lands, perhaps 95 per cent have wasted them and in many instances have been debased in the process; and where Indian tribal councils have been given sole authority to execute leases and otherwise handle large tribal estates, graft and corruption have been rampant. The right road out of the difficulty is the middle road; the one which permits every Indian to have the greatest freedom in handling his property short of alienating it, as the sole means of preparing him ultimately to exercise full control over it; he must carry a constantly increasing burden of individual responsibility and, as his strength increases, must assume heavier burdens, until finally he bears the brunt of full citizenship.

In working out this general scheme, infinite care will be required to make it sufficiently expansive to meet the conditions arising from the differences in the various tribes and the requirements of people in varying scales of culture.

The tremendous labor and difficulties involved in bringing to the Indian of this country the degree of limited representation in the handling of his property which I have recommended, can be understood only by those who have had the necessity of dealing with the chaotic mass of inharmonious and conflicting Indian law and the almost endless tangle of departmental rules and regulations which today strangle Indian administration.

The need of a codification of Indian law has been repeatedly urged. Representative Carter, of Oklahoma, is the author of a bill to that end, which is now before Congress. But such legislation is only the first step. A codification of the present laws alone will not remedy conditions; upon such a codification must be built a constructive remedial system of law and regulations which will recognize fundamental rights and fundamental needs and untangle the snarl of useless and harmful statutes and regulations which now tie the hands and obscure the vision of Government officials engaged in the administration of Indian affairs.

So far I have discussed only changes in the methods of handling Indian property that are needed to blaze the trail of the Indian to the promised land of competent independence and citizenship. In addition to the subjects already considered, the usefulness of the existing Indian educational policy is entitled to first place in any discussion of the economic phase of the Indian problem.

The policy of industrial and vocational training which has characterized Government schools from the beginning of the Indian school system forty years ago, is largely responsible for the present economic advancement of Indians, and such advancement as has been attained, has been attained not because of, but in spite of the Government's general policy of handling Indian property.

These schools must be continued and strengthened. They should be strengthened, not radically changed. One of the gravest dangers confronting the Indian schools today, is a tendency to modify their courses of study and plans of work and to adjust them to the courses of study in the graded public schools for white children. If we will but possess our souls in patience and wait, the white public schools will adopt the industrial-vocational plan of our Indian schools. We are right; they are wrong; or perhaps it would be more accurate to say that we are more right and less wrong than they. We should be slow to discard the present system of Indian education which trains the mind through training the hands and the body, and through them trains the will and prepares the Indian to earn a living, for the system of the average public white schools which for the greater part inculcates "head knowledge", while neglecting real training.

While thus defending the present Indian school system as a whole, however, I am in most hearty sympathy with a strong present day movement led by a number of educated Indians in favor of the conversion of one of the Government's non-reservation schools into a preparatory school which shall receive Indian youth from other Indian schools and equip them for the pursuit of higher education



in the white schools and colleges of the country.

Before leaving the subject of Indian schools, I wish to emphasize a fundamental weakness which must be overcome before there can be satisfactory progress, namely, failure to understand the Indian's mental attitude. Through all the years the Government has been dealing with the Indian, it has been treating him for the most part as a white man and has been trying to bring him into citizenship as a white man. It has failed to study and to utilize the arts, the religious beliefs, the music, the folk-lore of the Indians as agencies to lead him from within himself to a study and understanding of the white man's arts, and religion and music and ~~language~~ with which we have desired to replace his own. In most of the Indian schools, the Government has forbidden the Indian child to sing the songs, or to repeat the camp-fire traditions of his fathers, or even to speak his native language. The only language, the only songs, through which the emotions of joy and of sorrow, and of hope and the imagination of normal, healthful Indian childhood may find complete expression - the most valuable allies in the teaching of English, if wisely employed - have been taken away ~~from them~~ by a short-sighted educational policy and the reasons therefor never explained because never understood.

In the words of an educated full-blood Indian:

"Indian youth (in Indian schools) receive little or nothing that touches their souls. As a result they return to the reservations weaned from the religion of their fathers and with no sympathy for any other religion."

It is time for a change. The Bureau of American Ethnology should be the right-hand counsel of the Bureau of Indian Affairs.

The art, the music, the religious and other beliefs of the Indians, should be studied by Indian Service employees. The singing of Indian songs, and the speaking of the native language at intervals where competent interpreters are available, should be permitted in reservation schools. Two articles which have recently appeared in 'The Outlook' most admirably elaborating this view, one by former President Roosevelt and one by Miss Natalie Curtis, should be read by every employee in the Indian Service. We need to broaden our outlook in the education of the Indian; we cannot teach him unless we understand his mode of thought.

I have suggested some fundamental changes needed in dealing with Indian property and with Indian education, changes which will require prolonged conferences with Indian tribes, toilsome study and codifications of volumes of Indian laws and rules and regulations and the making of new ones to replace the old, a work that will require not weeks or months, but years of most painstaking application.

Who is going to do the work?

Mr. Ayer:-

This was sent to Mr. Riordan by a friend,  
and is for you to keep.

B. O.

## THE METLAHKAETLAH INDIANS

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This is the truthful story of the oldest and most successful mission among the Indians of British Columbia, as I have heard it from the mouth of the missionary himself, William Duncan, having also visited the colony, which owes its existence to the intelligent guidance of this remarkable organizer.

Some fifty-seven years ago Duncan, who must then have been quite a young man, set himself the task of civilizing this tribe, then still in the cannibal stage. He did not heed the warnings of the Hudson Bay post people, who knew the habits of the Indians, but prepared himself for his task while at the post for three months, by learning the language of his future flock, as well as their habits. He then went among them and the first thing he did was to teach them to make soap, for he had observed that they needed this to remove their warpaint, and that they had to pay high prices to the traders. He also taught them other domestic arts, and uses of the materials about them, before approaching religious subjects. After a while the medicine man found that his influence was waning and made complaint to the chief, who, without offering any violence, advised Duncan to remove. Duncan asked permission for those Indians that wanted to, to follow him, and quite a number did so, forming a small colony at some distance from their tribe.

He secured permission to cut timber on government lands for building purposes, and gradually his colony grew to several hundred, by voluntary immigration, attracted by the superior

civilization and physical advantages that the members of the colony enjoyed.

During this period Duncan made a flying visit to Great Britain to secure support for his mission. At that time he obtained from a manufacturer of band instruments, a set of such instruments, on each of which he learned to play the scale and "God Save the Queen!" These instruments furnishing rational amusement, were of the greatest benefit, and when no other means would prevail, an Indian could always be persuaded by withdrawing the privilege of tooting the horn.

Presently the Bishop came to inspect the mission and found it in very bad shape, Duncan having simplified forms, having laid stress on honesty and uprightness, rather than on creed and ritual. The worst offense was that he did not administer the Holy Sacrament; this on the ground that his people having just emerged from cannibalism, would, by even the suggestion of the blood and body eaten at the Sacrament, be in danger of relapse. The Bishop insisting that this state of things could not be allowed to continue, Duncan decided to emigrate from the bailiwick of the Bishop, and he transferred his flock to the United States (in 1887), having obtained permission from the Secretary of the Treasury to occupy Annette Island in the Alaska archipelago.

Evil report will have it that the departure was due to Duncan's inability, or worse, to account for the funds advanced. The whole story of the case seems to me to render this explanation untenable.

It was a characteristic exhibition of the honesty and fair dealing which Duncan was most insistent in inculcating that since the government had given the timber in building the houses of the settle-



ment but the Indians had given the labor, he sawed the houses in half, leaving one-half standing and taking the other half, the result being a twelve-gabled schoolhouse in the new settlement.

We visited the New Metlahkahtlah with the Harriman expedition in 1899, and found a thriving colony of some 800 Indians, in a neat village, the neatest in Alaska, having its own stores, sawmill, can factory, salmon cannery, vessel, etc., doing a business of from \$80,000 to \$100,000.

The most interesting feature of the colony is its republican organization, with a house of representatives, a senate and a full slate of officers of administration. Duncan, however, acts as a steering and nominating committee, there being a decided lack of initiative, leadership and responsibility, which makes the persistence of the colony in its present form precarious, when Duncan is gone. I do not know whether he still lives.

To become an officer, the vote must be unanimous, and Duncan sees to it that the most fit man is always placed in nomination. Elections are a simple procedure: a hat is sent around to the assembly and each man puts his fist into it, and if he wants to vote "No", drops a button. One day a button appeared, and Duncan believing that this was dropped by accident, ordered a new election, that is, sent the hat around once more. It came back with a button in it. So Duncan asked the man who dropped the button and thereby defeated his candidate to call on him next morning. This the Indian did and the following conversation took place:

"Did you drop that button intentionally?"

"Yes."

"Why, is that not a good man?"

"Oh, good enough."

"Well, what's the matter then?"

"Well, last week this man went with me to the store and bought things and the clerk gave him more change than was due him."

"Well, did he keep it?"

"No, he did not keep it."

"Well, what's the matter then?"

"He asked me whether he might keep it; now, a man who does not know better than that is not good enough for an officer."

Ethics are evidently highly developed!

There is a jail, but it is rarely used except for strangers, who come in drunk and are given an opportunity to sober up. The one crime <sup>for</sup> which occasionally punishment must be meted out is wife-beating. The man is then jailed until his wife asks for his release. Duncan then busies himself making peace, and the release comes usually in twenty-four hours.

They have built a very elaborate church, and we listened to Duncan's sermon in Metlahkahtlah language. The singing, however, accompanied by a bad organ, was from English hymnbooks. Some of the old singers, undoubtedly senators, judging by their sedate and dignified bearing, showed in their faces still the traces of former uncivilization, but the whole crowd behaved most soberly.

Soon after we had been in the place, some prospectors had been sent by the canning trust, which Duncan had refused to join, to make the pretense of having found gold and a bill was introduced into Congress

to dispossess Duncan and his tribe, but due to our efforts, the bill was defeated. Duncan made the statement that his success was due almost wholly to the absence of the white man and of whiskey.

This is all I remember, but I am sure if you want additional story, Dr. C. Hart Merriam, who was one of the party, will develop a longer memory.

EDWARD E. AYER  
RAILWAY EXCHANGE BUILDING  
CHICAGO

*To be dated  
date says Lane  
says to forward*

Rev. William Duncan,  
Metlakatla, Alaska.

Dear Mr. Duncan:

Often, very often, have my thoughts returned to the splendid trip we made in May, twenty-eight years ago, to Alaska on the old steamer Ancone, Captain Carroll commanding, Wallace, pilot, and of the Company we had you, Governor Swineford, Mr. Smith, and his Wife and Daughter, Tom Ransome of New York, and I had Mrs. Ayer and my young Daughter, now the mother of two sons, the oldest twenty-three years of age; and the great fun I had collecting, and especially seeing the wonderful country.

I hear with the greatest regret reports and rumors in the last two or three years that you have had trouble with your people and the Government. I can't tell you how sorry I am, and there certainly should be some way that your views could be brought together and where everybody must be suffering in the continuance of the present conditions. You may remember that I was very much interested in the Indians at that time. I have become much more so since, and for the last several years have served on what is known as the Indian Commission, ten gentlemen - non-sectarian, non-political, who devote their time, whatever is necessary, visiting the Indian Reservations, making investigations, and they report to the Secretary of the Interior, and are the advisors of the Secretary and President on the Indian affairs to a certain extent.

It has occurred to me that if I could possibly be of any service in investigating the difficulties there I would go up and would try to make recommendations reconciling all interests, but under no circumstances would I come without it was perfectly agreeable to you. If it is, I will

be glad to come some time in May.

I wish you would be kind enough to answer this letter immediately so that I can know what your desires are in the matter, and I will make other very decided plans if I do not go there.

Yours very, very truly,

Room 1515 Railway Exchange Bldg.,  
Chicago, Illinois.



## MEMORANDUM

FOR MEMBERS OF THE BOARD OF INDIAN COMMISSIONERS.

.....

The Senate Committee, against the urgent recommendations of the Board of Indian Commissioners and the Indian Bureau, refused to include Peyote in the item relating to suppression of the liquor traffic among Indians. The main reason for the Committee's action was the persistent protest of numerous Indians who use it for what the Indians call ceremonial and religious purposes in connection with the so-called Peyote Religion. They also assert that the use of Peyote cures the whiskey habit. While I was in the Indian Bureau, Peyote was construed to be an intoxicant and subject to the law for the suppression of the liquor traffic. However, no test of the matter was ever made in the courts. At the hearing before the Senate Committee, I asked Mr. Meritt if there were any reason why the law could not be construed in this manner. He replied that; since the Senate Committee last year had refused to include the word 'Peyote' in the Bill, he felt the Indian Bureau would not be justified in using the appropriation to suppress the use of Peyote. Upon careful consideration of this matter, I have reached the conclusion that if Peyote can be properly construed as an intoxicant, this appropriation should be used for its suppression, regardless of an expression of opinion in the Senate Committee on Indian Affairs. It is recommended, therefore, that your secretary be authorized to write to the Secretary of the Interior and recommend that the appropriation for the suppression of the liquor traffic among

Mem-2.

Indians be employed to suppress the use of Peyote, leaving it for the courts to decide whether Peyote falls within the purview of existing law. For your information on this subject, I quote the following paragraphs from a letter recently received from Mrs.

Mary W. Roe:

" It is false that Peyote users do not use Whiskey. \* \* \* \* \*  
The trouble with the matter is that the Peyote users are active in pushing their views, while those opposed to it have not the same interest at stake and are not heard from.

I believe that, considering its grip upon the Indian youth-- the hope of the race--, the Peyote evil is as dangerous to the Indian race as the whiskey and far more difficult to fight. There is only one possible position for such a body as the Board of Indian Commissions on this subject, and I feel sure that they will sturdily oppose any compromise with this dangerous drug." \* \* \*

Sincerely yours,

FHA/CEF.

F H Abbott,  
(Secretary).

## NEW INDIAN BOARD STARTS CAMPAIGN TO AID RED MEN

### Body Recently Created by Act of Congress Meets

In Washington.

Will Investigate Many Reservations.

Abuses in Connection with Estates of Minors of the Five

Civilized Tribes to be Abated.

-----  
Herald Bureau,  
No. 1,502 H Street, N.W.,  
Washington, D. C., Friday.

Scandals in the administration of the affairs of "Uncle Sam's" wards, the Indians, will be less frequent in the future if the Board of Indian Commissioners succeeds in an aggressive campaign for the betterment of the red men which was started here to-day.

In its semi-official capacity as an advisory body, created by Congress and appointed by the President, the Board proposes to exercise its authority to inspect the condition of Indians throughout the country. It will not only make recommendations to Franklin K. Lane, Secretary of the Interior, and Cato Sells, Commissioner of Indian Affairs, on matters of administration, but also to the Indian Affairs Committees of the House and Senate regarding legislation needed to protect the Indians.

The Herald's campaign for the betterment of the red men was discussed by the Commissioners today and heartily indorsed. Fred H. Abbott, now secretary of the Board and until recently Assistant Commissioner of Indian Affairs, said tonight:-

The Board recognizes the excellent results of the Herald's work. There is still much more to be done, and the Herald can be of great assistance to those who want to see the Indians get a square deal".

George Vaux, Jr., of Philadelphia, chairman of the Board, also commended the Herald for its campaign in behalf of the Indians and said he hoped the good work would be kept up.

### President Encourages the Work.

The members of the Board present at the meeting to-day besides Mr. Vaux were William D. Walker, of Buffalo, N. Y., Frank Knox, of

Manchester, N. H.; Edward E. Ayer, of Chicago; William H. Ketcham, of Washington, and Daniel Smiley, of Mohonk Lake, N. Y. They called on President Wilson and Secretary Lane, who both encouraged them to go ahead with their work.

The first move of the Board in its active campaign will be the investigation of specific conditions in several Indian reservations. A committee will be sent at once to investigate conditions among the Pueblos, of New Mexico, where, according to reports, there is much chance for improvement. Another committee will look into the question of the land allotment of the Papago and Navajo Indians of New Mexico and Arizona. Other investigations will be made, but just where will be kept secret for the present so that the investigators may not be embarrassed in their work.

The members of the Board also called upon Senator Stowe, of Missouri, chairman of the Senate Committee on Indian Affairs, to-day, and other members of the Senate and House committees.

The Board will meet again next February when reports will be received from the field investigations. These will be studied by the Board, and their conclusions turned over to Mr. Lane and to Congress. The Board of Indian Commissioners under the law have authority to act only in an advisory capacity to the Indian Office, but the Secretary of the Interior is required to consult the members regarding all contracts for Indian supplies.

FACTS AND SUGGESTED LEGISLATION  
relating to the  
CARE AND PROTECTION  
of  
INDIAN TIMBER.



ANAYLSIS OF COST AND METHOD OF ADMINISTERING  
TIMBER RESOURCES UNDER EXISTING LAW,  
AND REMEDY SUGGESTED.

Previous to the Act of Congress of June 25, 1910, (36 stat. L. 855 to 857), there was no general authority of law for the cutting and sale of timber on Indian reservations, except the cutting or sale of dead timber. (See Act of GENERAL February 16, 1889, (25 stat. L. 673). Such STATEMENT.

living Indian timber as was cut before that date was cut under special Acts of Congress, except small areas that were cut under special permits to fit the land for agricultural use. Most of the cutting of Indian timber for the market, until within the last two or three years, was in the States of Wisconsin and Minnesota, and the expenses incurred by the Government in connection with the care, protection and sale of timber outside these two States were largely indirect and incidental to general reservation supervision. The direct expenditure for these purposes in Wisconsin and Minnesota were comparatively small and were confined chiefly to the employment of a general superintendent of logging and a few check scalers, to see that contracts were lived up to.

With the enactment of the law of June 25, 1910, the

Indian Bureau began the organization of a special force to protect and supervise the sale of timber on Indian reservations brought under the jurisdiction of the Secretary of the Interior by the aforesaid Act of Congress. It is the expenses of administration and sale of Indian timber under this Act and previous special Acts and the correctness of the present policy of making gratuity appropriations to meet those expenses, with which this discussion has to do.

ON Indian reservations having more than five million feet of estimated stumpage, there was estimated on June 30, 1912, a total of 39,671,032,320 board feet, of a total estimated stumpage value of \$83,682,647.00. The care and protection of the timber on these reservations cost the Government, out of gratuity appropriations, in the year 1912, Analysis of \$70,372.65; out of the appropriation of 1913, timber resources and cost of there was apportioned up to December 1st for administration. these purposes, \$75,016.80. The total valuation of the property of the 133,833 Indians owning these timber resources was estimated on June 30, 1912, at \$305,274,205. The costs of care and protection mentioned, do not include approximately \$30,000.00 a year, which is paid to district foresters, lumbermen and other investigating officers, and a forester and forestry clerks employed in the Indian Bureau in

Washington, nor do they include any part of the salaries of reservation superintendents, Indian police, farmers or other employees, a portion of whose time is devoted to the care and protection of Indian timber. In short, in addition to expenses of general office and field supervision, the Government is paying gratuities of approximately \$75,000.00 a year for employees stationed on Indian reservations and whose time is devoted chiefly to the protection of Indian timber.

Under existing law and practice, Indians owning these timber resources, estimated at \$83,682,637.00, have no voice whatever in the disposition or control thereof. At the same time, the Government is putting its hand into its pocket to pay the expense of protecting and selling the timber of Indians on such res-

SUGGESTED CHANGES  
IN LEGISLATIVE  
POLICY.

ervations, for example, as Klamath, where their average per capita wealth is \$25,000.00; Colville, where it is nearly \$10,000.00;

Yakima, where it is over \$5,000.00, and Warm Springs, Flathead and Navaho, where it is nearly as great. For the Government to bestow upon Indians the cost of handling their timber resources and at the same time deprive them of the exercise of any responsibility in handling such resources and of the education which would result from such handling is a form of paternalism, which occasions useless cost to the Government and positive harm to the Indians. To remedy this situation the accompanying draft of legislation is submitted:

First: That the cost of timber administration, aside from that of general supervision, should be charged against the proceeds of the timber when sold on the respective reservations, in connection with which said expenses are incurred,-

Second: That, before any timber is sold under the Act of June 25, 1910, or any other Act of Congress, the Indian owners thereof, shall be consulted and given an opportunity to express their views in writing, either through their tribal council or through a meeting of the majority of the adult members of the tribe,-

Third: That, before expenses are incurred by the Secretary of the Interior from the appropriation "Industrial Work and Care of Timber" and the apportionment of expenses among the several reservations made by him, the Indians shall be consulted in the manner above indicated.

The result of legislation along the lines above suggested, would result in an annual saving to the Government of approximately \$75,000.00 a year, and in the beginning of a policy of education and training of the Indians to meet the responsibility of handling and caring for their own timber resources.

~~The part of this appropriation used for the care, protection, supervision and the sale of timber on any Indian allotment or Indian reservation in connection with local field work as~~





# STATE RESERVES OF THE U.S. FOREST SERVICE

(Data is given only on Indian Reservations having more than five million feet estimated stumpage.)

State and Reservation.	Total quantity (Board feet)	Total estimated value.	Total cost of acquisition, 1912.	Amount appropriated for care and protection, 1912.	Population on Indian and pre-Indian lands.	Total value on Indian lands governing disposal of timber referred to in foot notes as follows.
ARIZONA:						
Colorado River	22,500,000	22,500,000	900,000	900,000	500	1,483,386.47
Fort Apache	11,000,000,000	1,000,000,000	1,000,000	2,000,000	2,371	5,392,697.49
Navajo	10,000,000,000	1,000,000,000	2,000,000	3,000,000	10,254	20,082,270.00
Pima	10,000,000	10,000,000	200,000	200,000	3,986	2,002,550.67
San Carlos	221,000,000	221,000,000	1,800,000	200,000	2,353	2,002,550.67
San Xavier	10,000,000	10,000,000	200,000	200,000	4,055	2,002,550.67
Truxton Canyon	22,600,000	22,600,000	1,000,000	100,000	403	979,070.79
CALIFORNIA:						
Fort Yuma	24,000,000	1,800,000	-----	-----	603	594,067.74
Hodge Valley	1,500,000,000	1,500,000,000	1,500,000	2,000,000	1,259	2,342,696.00
Shasta Valley	1,700,000,000	222,000,000	900,000	1,000,000	1,342	3,111,110.00
Yuba River	1,000,000	65,000,000	900,000	1,110,000	2,102	222,252.52
IDAHO:						
Coeur d'Alene	66,000,000	132,000,000	1,750,000	750,000	334	2,590,108.18
Fort Hall	100,000,000	460,000,000	-----	-----	1,824	4,466,753.72
Fort Lemhi	250,000,000	560,000,000	3,000,000	3,000,000	1,395	5,995,339.16
MINNESOTA:						
Griggins Lake	26,855,100	50,466,000	-----	-----	1,097	222,794.00
MONTANA:						
Fond du Lac	31,000,000	350,000,000	2,190,000	900,000	912	1,155,693.73
Grand Portage	1,000,000	43,000,000	210,000	1,000,000	310	565,997.21
Lewistown	46,900,000	204,141,000	1,200,000	3,200,000	1,715	1,005,110.53
St. Louis	14,000,000	132,000,000	400,000	750,000	646	701,075.42
White Earth	138,968,000	1,200,460,000	700,000	400,000	1,436	3,479,744.57
White Earth	21,358,500	1,062,793,000	3,456,000	6,000,000	2,768	8,016,842.69
NEBRASKA:						
Blackfoot	80,000,000	120,000,000	1,000,000	-----	2,816	9,376,829.36
Crow	25,000,000	-----	100,000	400,000	1,731	11,036,232.76
Flathead	13,795,000,000	5,390,700,000	3,125,000	1,000,000	2,223	14,583,007.02
Fort Belknap	90,000,000	192,000,000	-----	1,183	4,996,537.91	
Fort Peck	60,000,000	600,000,000	2,400,000	2,800,000	1,633	10,145,996.14
Tongue River	300,000,000	600,000,000	2,400,000	2,800,000	1,398	9,013,339.48
NEW MEXICO:						
Albuquerque	13,000,000	55,000,000	-----	-----	4,552	2,557,769.00
Vernal	430,000,000	1,250,000,000	5,756,000	5,800,000	1,680	1,015,325.97
Manuelito	1,500,000,000	1,500,000,000	533,000	1,550,000	452	5,267,797.76
Santa Fe	19,362,470	58,347,000	600,000	600,000	2,416	515,000.00
Zuni	7,500,000	22,500,000	-----	-----	1,169	925,223.00
NORTH CAROLINA:						
Guardsville	35,000,000	140,000,000	-----	-----	2,078	731,552.50
NORTH DAKOTA:						
Standing Rock	50,000,000	250,000,000	-----	-----	3,369	17,620,660.57
Turtle Mountain	60,000,000	80,000,000	-----	-----	2,855	4,320,565.00
OKLAHOMA:						
Otoe	9,000,000	68,000,000	-----	-----	435	2,362,957.10
OREGON:						
Clatsop	19,480,000,000	23,700,000,000	5,867.35	3,000,000	1,117	28,646,835.35
Roseburg	1,800,000,000	1,800,000,000	-----	1,000,000	3,000	2,455,247.00
Umatilla	217,000,000	217,000,000	450,000	550,000	429	729,749.11
Warm Springs	12,305,000,000	2,305,000,000	3,700,000	3,800,000	741	3,691,877.83
SOUTH DAKOTA:						
Pine Ridge	30,000,000	150,000,000	2,340,000	1,600,000	6,559	15,694,874.74
Reserve	20,000,000	195,000,000	960,000	960,000	5,997	14,124,225.40
UTAH:						
Uintah & Ouray	16,500,000	37,125,000	1,000,000	1,250,000	1,163	3,538,341.24
WASHINGTON:						
Colville	19,421,970,000	5,132,359,000	4,213.25	4,920,000	2,561	21,751,069.36
Cummins	15,041,493,210	5,041,493,210	1,000,000	1,000,000	3,000	7,036,434.12
Neah Bay	279,000,000	279,000,000	975.00	-----	757	404,159.72
Spokane	806,970,000	1,210,455,000	751.00	2,100,000	0.00	2,231,693.05
Walla Walla	121,000,000	227,000,000	-----	2,500,000	1,597	3,374,194.13
Yakima	12,115,800,000	4,231,000,000	4,864.80	5,150.00	5,996	15,452,611.79
WISCONSIN:						
Hayward	39,000,000	112,000,000	-----	11,900,000	1,252	642,366.00
Keshauqua	11,666,222,500	6,674,222,500	2,860,000	-----	2,866	10,239,400.47
Le Sueur	20,000,000	125,000,000	450,000	1,200,000	709	734,071.53
Le Sueur	20,000,000	1,069,270,000	621.00	1,460,000	1,165	4,154,112.00
Red Cliff	171,000,000	171,000,000	-----	522.00	765	2,507,009.00
TOTALS	224,671,082,280	585,966,047,000	70,372.65	75,011.60	138,633	3,306,274,200.00

Amount expended for care and protection of timber on smaller reservations, 1912, \$1,000,000.

FOOT NOTES TO STATISTICAL STATEMENT  
ON TIMBER RESOURCES ON INDIAN  
RESERVATIONS.

Laws Governing Disposal of Indian Timber.

(An (\*) preceding a letter indicates that the Act of June 25, 1910, (36 Stat. L.855-857) is also applicable to the sale of timber on the reservation referred to)

General Statute.

A. "Sec. 7. That the mature living and dead and down timber on unallotted lands of any Indian reservation may be sold under regulations to be prescribed by the Secretary of the Interior and the proceeds from such sales shall be used for the benefit of the Indians of the reservation in such manner as he may direct: Provided, That this section shall not apply to the States of Minnesota and Wisconsin.

"Sec. 8. That the timber on any Indian allotment held under a trust or other patent containing restrictions on alienations, may be sold by the allottee with the consent of the Secretary of the Interior, and the proceeds thereof shall be paid to the allottee or disposed of for his benefit under regulations to be prescribed by the Secretary of the Interior." Act, June 25, 1910 (36 Stat.L.855-857)

Fort Hall.

B. "Article IV. So long as any of the lands ceded, granted, and relinquished under this treaty remain part of the public domain, Indians belonging to the above-mentioned tribes, and living on the reduced reservation, shall have the right, without any charge therefor, to cut timber for their own use, but not for sale, and to pasture their live stock on said public lands, and to hunt thereon and to fish in the streams thereof.

Act of June 6, 1900 (31 Stat.L.672-4) e-  
"That the Secretary of the Interior is hereby authorized to set aside and reserve so much of the timber land of the Fort Hall Reservation as he may deem necessary to provide timber for the domestic use of the Indians, not exceeding in aggregate two townships of land." Act, March 3, 1911 (36 Stat.L.1058-1064).

Fort Lapwai (Nez Perce)

\*C. "Article 1. The said Nez Perce Indians hereby cede, sell,

relinquish, and convey to the United States all their claim, right, title, and interest in and to all the unallotted lands within the limits of said reservation, saving and excepting the following described tracts of land, which are hereby retained by the said Indians, viz: \* \* \* Total, 32,020 acres.

"Article lv. It is further stipulated and agreed that the United States will purchase for the use of said Nez Perce Indians two portable steam saw mills, at a cost not exceeding \$10,000, and will provide for said Indians, for a period not exceeding two years, and at a cost not exceeding \$2,400, a competent surveyor, for the purpose of fully informing said Indians as to the correct locations of their allotments and the corners and lines thereof." Act, August 15, 1894 (28 Stat.L., 327 and 330).

#### Chippewas of Minnesota.

D. "The Chippewa Indians of the State of Minnesota to whom allotments have been or shall hereafter be made, and trust or other patents, containing restrictions upon alienation issued or which shall hereafter be issued therefor, are, with the consent of the Secretary of the Interior and under such rules and regulations as he may prescribe, hereby authorized to dispose of the timber on their respective allotments. Timber on the allotments of minors may likewise be so sold by the father, mother, or Indian agent or other officer in charge, in the order named, and the Secretary of the Interior shall make such regulations for the disposition of the proceeds of said sales as may be necessary to protect the interest of said Indians, including such minors." Act, April 21, 1904 (33 Stat.L., 189, 209).

Note: The Act of June 25, 1910, cited under foot note "A" applies to the sale of timber on allotted lands in Minnesota. See also note "Q" below.

#### Blackfeet.

"E. "That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids, to the highest bidder for cash, at not less than \$5 per acre, under such rules and regulations as he may prescribe: Provided, That the said timber lands shall be sold in tracts not exceeding forty acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid."

Act, March 1, 1907 (34 Stat.L., 1017, 1035)

#### Flathead.

F. "Sec. 6. That said commission shall in their report of lands of the third class determine as nearly as possible the amount of standing saw timber on legal subdivisions thereof and fix a minimum price for the value thereof, \* \* \*

"Sec. 11. That all of said lands returned and classified by said commission as timberlands shall be sold and disposed of by the Secretary of the Interior under sealed bids to the highest bidder for cash or at public auction, as the Secretary of the Interior may determine, under such rules and regulations as he may prescribe. Act, April 23, 1904 (33 Stat.L., 302)

"That section eleven of the Act of April twenty-third, nineteen hundred and four (Thirty-third Statutes at Large, page three hundred and two), entitled 'An Act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment', be amended to read as follows:

"Sec. 11. That all merchantable timber on said lands returned and classified by said commission as timberlands shall be sold and disposed of by the Secretary of the Interior, for cash, under sealed bids or at public auction, as the Secretary of the Interior may determine, and under such regulations as he may prescribe: Provided, That after the sale and removal of the timber such of said lands as are valuable for agricultural purposes shall be sold and disposed of by the Secretary of the Interior in such manner and under such regulations as he may prescribe."

Amendment, contained in Act, March 3, 1909 (35 Stat.L., 781, 796).

"Sec. 29. That the Secretary of the Interior be, and he is hereby, authorized to classify and appraise, under such rules and regulations as he may prescribe, all of the vacant, unallotted, and unreserved lands of the Flathead Indian Reservation, in the State of Montana, which have not been classified and appraised as provided for by the act of Congress approved April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," and the classification or appraisal made hereunder shall be of the same effect as provided for in said act; and the said Secretary is hereby authorized to dispose of all lands classified as 'barren', 'burned over', and 'containing small timber,' under such rules and regulations as he may prescribe, at not less than their appraised value." Amendment contained in Act, June 25, 1910 (36 Stat.L., 855-863)

Jicarilla.

G. "That the Secretary of the Interior may dispose of all merchantable timber on allotments herein authorized during the term these are held in trust and on the surplus lands for twenty-five years, the proceeds therefor to be expended under his direction for purposes beneficial to the individual allottees hereunder and their heirs, or for families, as he may deem best, and no part of such proceeds shall be expended for community or common benefits other than irrigation, but shall be equitably apportioned as near as ~~he~~ may be among the Indians entitled."

Act, March 4, 1907 (34 Stat.L., 1413).

Standing Rock.

\*E. "That said commissioners shall then proceed to personally inspect, classify, and appraise, in one hundred and sixty acre tracts each, all of the remaining lands embraced within each reservation as described in section one of this act. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class, third, grazing land; fourth, timber land; fifth, mineral land, if any, the mineral land not to be appraised. \* \* \*

\* \* \* "Provided, that Indians residing upon their allotments in townships sixteen north of ranges twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, and thirty-one east shall have the right to use timber in said townships, except on sections sixteen and thirty-six for domestic purposes, only as long as the lands remain part of the public domain."

Act, March 29, 1908 (35 Stat.L.4600).

Siletz.

I. "Article 1. It is further stipulated and agreed that section nine in township nine south, range eleven west of the Willamette meridian, and the west half of the west half of section five, and the east half of section six and the east half of the west half of section six, township ten south, range ten west, Willamette meridian, and the south half of section eight and the north half of section seventeen, and section sixteen in township nine south, range nine, west of the Willamette meridian, and the east half of the northeast quarter, and lot three, section twenty-one, and south half and south half of north half of section twenty, township eight, range ten west, Willamette meridian, are hereby reserved from sale, and that the timber on said five sections of land may be cut and manufactured by the Indians of said Siletz Reservation, for their own use and for sale, under such rules as the Secretary of the Interior shall from time to time prescribe, regulating the cutting of timber, so as to secure an equality of benefits to the Indians, employment for them, and judicious aid to them in becoming self-supporting.

Act, August 15, 1894 (28 Stat.L.323-325).

"\* \* \* That the Secretary of the Interior be, and he is hereby, authorized to dispose of the lands reserved under the provisions of article four of the agreement concluded with the Indians of the Siletz Reservation on October thirty-first, eighteen hundred and ninety-two, and ratified by the Act of Congress approved August fifteenth, eighteen hundred and ninety-four (Twenty-eighth Statutes at Large, page three hundred and twenty-five), at public auction, in such areas and on such terms and conditions as he may prescribe."

Act, May 15, 1910 (36 Stat.L.367)/



Umatilla.

"J. \* \* \* In addition to the allotments of agricultural lands to said Indians in severalty as herein provided, there shall be reserved a reasonable amount of pasture and timber lands for their use, to be used by said Indians in common." Act, March 3, 1885 (25 Stat.L., 340, 341).

Pine Ridge.

"K. \* \* \* In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, but the mineral and timber lands shall not be appraised: Provided, That timber lands shall be classified without regard to acreage; And, provided further, That all lands classified as timber lands shall be reserved for the use of the Pine Ridge Indians." Act, May 27, 1910 (36 Stat. L. 440, 442).

Rosebud.

"L. \* \* \* In making such classification and appraisement, said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, if any, but the mineral and timber lands shall not be appraised: Provided, That timber lands may be classified without regard to acreage: And provided further, That all lands classified as timber lands shall be reserved for the use of the Rosebud Indians." Act, May 30, 1910 (36 Stat.L. 448)

Uintah & Ouray.

M. "That before the opening of the Uintah Indian Reservation the President is hereby authorized to set apart and reserve as an addition to the Uintah Forest Reserve, subject to the laws, rules, and regulations governing Forest reserves, and subject to the mineral rights granted by the act of Congress of May twenty-seventh, nineteen hundred and two, such portion of the lands within the Uintah Indian Reservation as he considers necessary, and he may also set apart and reserve any reservoir site or other lands necessary to conserve and protect the water supply for the Indians or for general agricultural development, and may confirm such rights to water thereon as have already accrued: Provided, That the proceeds from any timber on such addition as may with safety be sold prior to June thirtieth, nineteen hundred and twenty, shall be paid to said Indians in accordance with the provisions of the act opening the reservation. Act, March 3, 1905 (33 Stat.L., 1069).

"That the Secretary of the Interior may authorize the Indians of the former Uintah Reservation, in the State of Utah, to cut and sell cedar and pine timber for posts or fuel from the tracts reserved for grazing purposes for said Indians under joint resolution of June nineteenth, nineteen hundred and two, in such quantities and upon such terms and under such rules and regulations as the said Secretary of the Interior may prescribe." Act of June 21, 1906 (34 Stat.L., 325, 376).

Colville.

"N. "Sec. 5. That all of said lands returned and classified as timber-lands shall be sold and disposed of by the Secretary of the Interior under sealed bids to the highest bidder for cash or at public auction, as the Secretary of the Interior may determine, and under such rules and regulations as he may prescribe." Act, Mar. 22, 1906, (34 Stat.L., 80).

Spokane.

O. "Sec. 5. That the lands so classified as timberlands shall remain Indian lands subject to the supervision of the Secretary of the Interior until further action by Congress, and no provision authorizing the sale of timber upon Indian lands shall apply to said lands unless they be specially designated: Provided, That until further legislation the Indians and the officials and employees in the Indian Service on said reservation shall, without cost to them, have the right, under such regulations as the Secretary of the Interior may prescribe, to go upon said timberlands and cut and take therefrom all timber necessary for fuel, or for lumber for the erection of buildings, fences, or other domestic purposes upon their allotments; and for said period the said Indians shall have the privilege of pasturing their cattle, horses, and sheep on said timberlands, subject to such rules and regulations as the Secretary of the Interior may prescribe: Provided further, That the Secretary of the Interior is hereby authorized to sell and dispose of for the benefit of the Indians such timber upon said timberlands as in his judgment has reached maturity and is deteriorating and which, in his judgment, would be for the best interests of the Indians to sell, the purpose being to as far as possible protect, conserve, and promote the growth of timber upon said timberlands. The Secretary of the Interior shall deduct from the money received from the sale of such timber the actual expense of making such sale and place the balance to the credit of said Indians, and he is authorized to prescribe such rules and regulations for the sale and removal of such timber so sold as he may deem advisable. Act, May 29, 1908 (35 Stat.L. 458).

Note: This is the only reservation except Menominee where expense of sale may be deducted from proceeds of sale.

Yakima.

F. \* \* \* \* The Secretary of the Interior is also authorized to reserve \* \* \* such tract or tracts of grazing and timberlands as may be deemed expedient for the use and benefit of the Indians of said reservation in common: Provided, That such reserved lands, or any portion thereof, may be classified, appraised, and disposed of from time to time under the terms and provisions of this act.

\* \* \* \* The timber on lands classified as timberlands shall be sold at not less than its appraised value, under sealed proposals, in accordance with such rules and regulations as the Secretary of the Interior may prescribe."

Act, December 21, 1904, (33 Stat.L. 595, 596, 597).

Hayward, Lac du Flambeau, LaPoint, Red Cliff.

Q. "Section 38.- Timber upon unallotted lands of reservations situated within the States of Minnesota and Wisconsin, cannot be sold under authority of the act of June 25, 1910, but dead and down timber may be sold under the act of February 16, 1889 (25 Stat.L., 673), which reads as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States may from year to year in his discretion, under such regulations as he may prescribe, authorize the Indians residing on reservations or allotments, the fee to which remains in the United States, to fell, cut, remove, sell, or otherwise dispose of the dead timber, standing or fallen, on such reservation or allotment for the sole benefit of such Indian or Indians. But whenever there is reasonable cause to believe that such timber has been killed, burned, girdled, or otherwise injured for the purpose of securing its sale under this act, then, in that case, such authority shall not be granted."

Note: Act of June 25, 1910, foot note "A" applies to sale of timber from allotted lands in Wisconsin, but not to unallotted.

Keshena (Menominee).

R. "That the Secretary of the Interior be, and he is hereby, authorized and directed, under such rules and regulations as he may prescribe in executing the intent and purposes of this act, to cause to be cut and manufactured into lumber the dead and down timber, and such fully matured and ripened green timber as the forestry service shall designate upon the Menominee Indian Reservation in the State of Wisconsin: Provided, That not more than twenty million feet of timber shall be cut in any one year: And provided further, That this limitation shall not include the dead and down timber on the north half of township numbered twenty-nine, range numbered thirteen east; the north half of township numbered twenty-nine, range numbered fourteen east, and the south half of township numbered thirty, range numbered thirteen east, on the Menominee Reservation in Wisconsin.

"Sec. 2. \*

"Sec. 3. That the lumber, lath, shingles, poles, posts, bolts, and pulp wood, and other marketable materials so manufactured from the timber cut upon such reservations shall be sold to the highest and best bidder for cash, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe. \* \* \*

Act, March 28, 1908, (35 Stat.L., 51).

"Sec. 26. That upon the passage of this act the Secretary of the Interior be, and he hereby is, authorized and ~~rei~~ directed to cause to be cut and manufactured into lumber the dead and down timber now upon the Menominee Indian Reservation in

the State of Wisconsin together with such green timber as may be necessary to cut in order to economically log the dead and down timber, such green timber to be designated and marked by the Forestry Service. For the cutting of such dead and down timber the Secretary of the Interior shall prescribe rules and regulations in conformity with the intent and purpose of the act of March twenty-eighth, nineteen hundred and eight, entitled "An Act to authorize the cutting of timber, the manufacture and sale of lumber, and the preservation of the forests upon the Menominee Indian Reservation in the State of Wisconsin". The amount of dead and down timber authorized to be cut under this section shall be in addition to the amount of green timber authorized to be cut, in any one year, under the provisions of said act of March twenty-eighth, nineteen hundred and eight. The green timber authorized to be cut under this section to facilitate the logging of dead and down timber, and which shall be cut in any one year, shall be deducted from the amount of green timber authorized to be cut in that year under the provisions of said act of March twenty-eighth, nineteen hundred and eight. The total amount of green and dead and down timber which shall be logged under the provisions of this section and the provisions of said act of March twenty-eighth, nineteen hundred and eight, shall not exceed forty million feet unless the Forestry Service shall certify to the Secretary of the Interior that it is necessary, to save waste and loss on dead and down timber, that a greater amount of such dead and down timber shall be cut; in making such certification the Forestry Service shall designate the additional dead and down timber it deems necessary to cut and such designated timber shall be logged as expeditiously as possible. In the logging operations authorized under this section the Secretary of the Interior may cause to be constructed such roads or logging railways as may be necessary to bring the logs to the mill with expedition and economy. The expense of the logging operations authorized under this section shall be paid in the manner provided in said act of March twenty-eighth, nineteen hundred and eight, authorizing the cutting of timber and the manufacture of lumber upon the Menominee Indian Reservation in the State of Wisconsin."



DRAFT OF PROPOSED LEGISLATION.

Section 1. Any funds expended under any existing law or subsequent act of Congress for the care, protection and supervision of the sale of timber on any Indian allotment or Indian reservation, in connection with local field work as distinguished from general office or field supervision, shall be reimbursed to the Government from the proceeds of the sale of said timber when made, or from other Indian funds available for said purposes in accordance with rules and regulations to be prescribed by the Secretary of the Interior.

Section 2. No sale or disposal of Indian timber hereafter shall be made until a statement in writing shall have been made to the Indian owners thereof setting out the plan and purpose of said proposed disposal and said Indian owners have been given opportunity to express, in writing, their views respecting the same, under rules and regulations to be prescribed by the Secretary of the Interior, and, before charging any part of any appropriation against the proceeds of the sale of timber when made of any Indian or Indian tribe for the care and protection or for the disposal of said timber, said Indian or Indian tribe shall be given opportunity by the Secretary of the Interior to express in writing their views thereon, under rules and regulations prescribed by him.



B R I E F

O N

I N D I A N I R R I G A T I O N .

Prepared under the direction of  
(THE BOARD OF INDIAN COMMISSIONERS.)

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By

F. H. Abbott, Secretary.

C O N T E N T S.

1. Comments on irrigation law and administration on Indian reservations.
2. Recapitulation of statistics concerning Indian irrigation projects.
3. Statistics and digest of legislation, relating to projects constructed and maintained for the most part from appropriations reimbursable from Indian funds.
4. Statistics and digest of legislation relating to projects constructed and maintained for the most part from specific gratuity appropriations.
5. Statistics and digest of legislation relating to projects constructed and maintained for the most part from general gratuity appropriations.
6. Draft of Proposed Legislation.

COMMENTS ON  
IRRIGATION LAW AND ADMINISTRATION  
ON  
INDIAN RESERVATIONS.

COMMENTS ON IRRIGATION LAW AND ADMINISTRATION  
ON INDIAN RESERVATIONS.

Indian irrigation law is a veritable Pandora's Box. In it almost anything can be found except uniformity; uniformity can be found only in the lack of any provision to consult the Indians with respect to the expenditure of their funds for purposes of irrigation and failure to charge the costs where they should be charged, against the lands benefited. Approximately nine million dollars have been expended for the irrigation of Indian lands. About seven millions of this amount have been charged to tribal funds and the balance expended from gratuity appropriations made by Congress. About six hundred thousand acres of irrigable Indian lands have been brought under ditch. Of this General Statement. area less than one hundred thousand acres are being irrigated by Indians, while a large part of the area thus irrigated is not farmed but is used to produce hay crops. Under existing law, notwithstanding the fact that either tribal or Government funds have been used to irrigate lands for the sole benefit of individual Indians, when patents in fee are issued to Indian allottees or when their lands are sold under the supervision of the Government, either the individual Indian, who sells the land, or the purchaser thereof

puts in his pocket the value of the water right for which the tribe or the Government has paid; and, not only are the members of the tribe not consulted with respect to the expenditure of their money, which ultimately passes in this manner either to the individual allottee or to the white purchaser of his land, but the individual whose land is benefited is given no opportunity to assume any responsibility in connection therewith nor to appreciate the value of the benefit conferred, while the free water right thus secured by the individual Indian offers a constant temptation to the white land speculator to induce the Indian to part with his land. In short, existing law concerning Indian irrigation is paternalistic in tendency, and antagonistic, not only to the fundamental principles of representative Government, but wholly inconsistent with the individualistic policy of dealing with the Indians, established a generation ago.

Some striking illustrations of the lack of utilization of irrigable Indian lands may be found on the following reservations: On the Crow reservation where irrigation ditches have been completed for more than ten years

Utilization has not kept pace with construction.

and where the total area, under constructed ditches is estimated at 68,756 acres, only

11,376 acres are irrigated by Indians and most of this is irrigated for hay crops; on the Flat Head reservation the present irrigable area is estimated at 38,000 acres, but



only 1,000 acres are irrigated by Indians; on the Fort Belknap reservation, out of 22,000 acres under ditch, 7,670 acres are irrigated by Indians; on Fort Hall reservation Indians irrigate only 3,300 acres out of present irrigable area of 35,000 acres; on the Wind River reservation the Indians are irrigating approximately 5,000 acres out of a total irrigable area of 35,000 acres and most of this area is irrigated for hay crops; on the Uintah reservation, out of a total irrigable area of 87,880 acres, the Indians are irrigating approximately 6000 acres; on the Yakima reservation, where the present irrigable area is 54,000 acres, the Indians are irrigating 5,350 acres, and at Yuma the Indians are irrigating approximately 200 acres out of an irrigable area of 4,000 acres. In the reservations of the Southwest, the showing of utilization of irrigable lands is very much better.

The lack of utilization noted in the foregoing paragraph is serious enough from an industrial standpoint, but it is fraught with peculiar dangers in the case of the reservations where the water rights are subject to the operation of State

Water rights may  
be lost through  
operation of State  
law.

law. On the Fort Hall reservation, Idaho, beneficial use must be made of the water for the irrigable lands prior to the year, 1916, in order to secure the water right; on the Wind River reservation in Wyoming, beneficial use must likewise be made before

1916, and on the Uintah reservation, Utah, beneficial use must be made before 1919. The total investment in the construction of irrigation ditches and the purchase of water rights on these three reservations amounts to approximately two millions of dollars, and, in the case of the Wind River and Uintah reservations, the expenditure has been made from Indian funds.

Lack of proper utilization cannot be charged to the indolence of the Indian. The system of paternalism is doubtless responsible for an undue lack of interest and indifference on the part of the Indian. He has not been consulted in advance of the expenditure; the cost of the construction and the expense of maintenance on the basis of each acre irrigated, have not been explained and brought home to him; the money being taken out of a tribal fund which has never been individualized nor become a part of his individual possession,

Reasons for lack  
of utilization.

he has not understood his intimate, individual interest in its expenditure; nor has he realized the value, in dollars and cents, of the benefit to him, not understood that ultimately the same is to be paid in part from his own pocket. In many cases irrigation on Indian reservations has been provided for, not in response to the demands therefor, on the part of the Indians, but in response to a perfectly natural and normal demand of white settlers, either for the opening to settlement of irrigable lands on Indian reservations or for obtaining water from streams flowing

through Indian reservations for the irrigation of their lands on the outside. As a result, the construction of irrigation projects on Indian reservations has often preceded the desire of the Indians for such construction and often has preceded the development of transportation facilities necessary to market the products of the land irrigated; and in the case of the large reservations in the Northwest, irrigation has been brought to Indians unskilled in the art of irrigation, strangers to the art of agriculture, trained for generations to the exciting life of the chase, having no knowledge of any of the pursuits of modern civilized life except a somewhat general knowledge of the raising of cattle and horses.

One of the chief reasons for the failure of the Indians, on the reservations mentioned, to utilize their irrigable lands has been the failure of Congress to provide appropriations necessary to enable them to buy teams and tools and other equipment, without which the utilization of their lands is impossible. The one thought apparently has been to build the ditches and with rare exceptions no provision has been made to use tribal funds for any other purpose than that of reimbursing the Government for the cost of construction of the project. At the same time the Indian has lacked the credit which is available to the white settler living under similar

Indians  
unprepared  
for  
new con-  
ditions.

No money  
or credit  
to reclaim  
lands.

conditions necessary to help himself. Through the policy of reimbursable appropriations, established during the last few years, Congress has begun to prepare a remedy for these conditions. But, on a majority of the reservations mentioned above, Indians are still in a position where they have to sit idly by and witness the expenditure of their own funds in the construction and maintenance of expensive irrigation ditches, which, under present conditions they cannot use, and in which expenditures they have no voice - helpless, though they have more than ample resources in their undeveloped lands to secure advances with which to make productive use thereof.

Another reason for the lack of adequate utilization of Indian lands may be found in the failure to adjust the size of the allotment of irrigable land to the conditions of soil and climate and the industrial habits and needs of the Indians. While in the Southwest, in the Colorado River and Yuma reservations, and several others, allotments have been made in ten acre tracts, and, in some cases, smaller, suitable to the habits of intensive agriculture in that section of the country, this principle has been lost sight of almost uniformly in the reservations of the Northwest where in most cases irrigation has been brought to the reservation after allotments have been made under the general allotment act, which did not take into consideration the question of possible irrigation. The allotment of eighty

16



acres to each man, woman and child is found under the irrigation projects on the Yakima, Uintah, Crow, Wind River, Flathead, and Southern Ute (diminished) reservations, while on Blackfoot and Fort Peck, the size of the allotment is forty acres and on Fort Hall, forty acres to each head of family and twenty acres to each other member of the tribe. Take the Uintah and Wind River reservations, for example, where beneficial use is required by State law in order to protect the water rights. The average family of five members would have four hundred acres of irrigable land. The average white family in the same section of the country cannot utilize satisfactorily over eighty or at the most one hundred and sixty acres of the same land. How can an Indian family unassisted, and especially without money or credit, to buy tools and equipment be expected to reclaim four hundred acres of land?

The remedies needed will be suggested briefly as follows:

Remedies.

1. General legislation that will charge the individual land benefited with the cost of construction and maintenance; payment to be made out of the share in the tribal fund of the individual whose land is benefited or from the proceeds of the sale of the land when it passes from Indian ownership where the share of the individual in the tribal fund is insufficient.



2. The general legislation suggested in the above paragraph should provide that the tribe, whose funds it is proposed to use for the construction of irrigation projects, shall be first consulted.

3. The proposed general legislation should also provide for charging of costs of maintenance and operation against the lands under the project and should give the Indians whose lands are benefited a voice in said maintenance and operation.

4. In order not to overburden irrigated Indian lands by the legislation suggested, especially since the Indians have not heretofore been consulted, the costs of engineering and of experimental construction and cost of investigations and preliminary surveys should be excluded from the charges made against the lands and paid from gratuity appropriations.

5. Reimbursable appropriation from tribal funds should be made immediately on all Indian reservations where the utilization of irrigable lands has not kept pace with the construction of irrigation projects through lack of funds in the hands of individual Indians to make such utilization possible.

6. Skilled irrigation farmers should be provided out of gratuity appropriations to give advice and assistance to Indians having irrigable lands.

The enactment of the legislation suggested would affect the estimates for irrigation for the year, 1915, in the Indian bill now before Congress as follows: it would change the following specific items from gratuity to reimbursable items:

Pima (maintenance)	\$10,000.00
Papago (construction and maintenance)	50,000.00
Fort Mojave (construction and maintenance)	5,000.00
Homadic Papago (construction)	35,500.00
Navajo (domestic and stock)	50,000.00
Fort Hall (maintenance)	40,000.00
Modoc Point (maintenance)	4,740.00

\$195,340.00

Proposed  
General  
legislation  
would change  
\$393,140 from  
gratuity  
to reim-  
bursable  
appropria-  
tion in  
estimates  
for 1915,  
now before  
Congress.

It would make reimbursable, when the lands in question pass from Indian ownership, the following items included in the estimate of \$345,700 "for irrigation Indian reservations, 1915" in the pending Indian Bill:

Southern Utes, Colorado,	\$25,000.00
Pueblos, New Mexico,	10,000.00
Zuni, New Mexico,	3,000.00
Nevada (Carson Sink)	13,500.00
Klamath, Oregon (Drainage)	10,000.00
San Xavier, Arizona (umping Plant)	8,000.00
Maricopa Papagos, Arizona,	22,200.00
Gila River, Arizona,	5,000.00
San Juan, N.M., (Hog Back Canal)	20,000.00
Morongo, California,	15,000.00
Pala, California,	10,900.00
Saboba, "	7,500.00
Rincoun, "	6,800.00
Mission Creek, "	7,400.00
Tuolumne, California,	4,900.00
Tule River, "	5,500.00
Owens Valley, "	20,000.00
Colville, Washington,	5,000.00

\$197,800.00

Grand total, \$593,140.00

In addition to this ultimate saving of \$393,140.00 to the Government in the pending Indian Bill, the effect of the proposed legislation would be to make reimbursable to the Government approximately one million dollars heretofore appropriated when the lands in question pass from Indian ownership and perhaps <sup>two</sup> save/millions of dollars reimbursable to Indian tribes heretofore appropriated from tribal funds.

There are several Indian irrigation projects now being constructed and maintained out of gratuity appropriations which should be repaid for from tribal funds. There is no reason why the cost of irrigation and water development for the Navaho Indians should be paid for out of gratuity appropriations. The aggregate individual and tribal property of these Indians is estimated at \$28,022,270.00, nearly \$1000 per capita. This estimate does not include

Gratuity items which should be reimbursable from tribal funds. their immense coal properties, estimated by the Geological Survey at 16,700,000,000 tons. They have \$7,500,000.00 worth of

timber ready now for sale. The gratuity items in the pending Indian bill for surveys and maintenance of construction on the Klamath Indian reservation, in Oregon, should likewise be changed <sup>as</sup> reimbursable items. The aggregate individual and tribal resources of the Indians on this reservation is estimated at \$28,846,935.39 or \$25,824 per capita. More than

ten billion feet of their timber is mature and ready for the market. In like manner the gratuity appropriations for irrigation on the Southern Ute reservation should be made reimbursable from tribal funds. Besides their allotments and treaty annuities these Indians have a pro rata interest in a judgment of three millions of dollars in the Treasury to their credit.

A glance at the digests of legislation relating to irrigation on the various Indian reservations in the following pages will show the need of harmonizing all future legislation and methods of administration. In some cases construction and maintenance are provided for out of gratuity appropriations; in others, out of appropriations from tribal funds; in others, construction is to be paid for out of the sale of water rights and maintenance is provided out of gratuity appropriations; in many, construction is provided for out of tribal funds and no provision whatever made for maintenance; In one case, provision

Varying methods of expenditure for construction and maintenance.

is made whereby maintenance is to be under the direction of the holders of water rights after a major part of the land under the

project passes to white ownership. In several cases provision is made whereby the Indians may reclaim their lands

under reclamation projects in accordance with the Reclamation Act. In one case at Pyramid Lake, Nevada, five acre allotments are provided for and reclamation under the reclamation act is made obligatory. In another case at Yakima, Indians may sell a portion of their lands and come under the reclamation act upon their election so to do. These illustrations of differences of method of handling the questions of construction and maintenance on different Indian reservations could be increased.

The right of the Indians to a voice in the expenditure of their funds in the irrigation of their lands is a fundamental one under our Government and should not longer be ignored. On the other hand there is no obligation on the part of this Government to pay out gratuitously one dollar for the irrigation of the land of an individual Indian. Not Conclusion. only that, but every dollar so invested, by depriving the individual Indian, benefited, of the responsibility connected with the acquisition of the benefit and of the opportunity of appreciating the money value thereof, is a lesson in demoralizing paternalism and an investment in pauperism. To use the funds of an Indian tribe without its consent to confer benefits upon the individual members thereof and through such individuals often to drain the tribal resources into the pockets of white men is still less defensible.



RECAPITULATION OF STATISTICS

CONCERNING

INDIAN IRRIGATION PROJECTS

## R E C A P I T U L A T I O N .

TOTAL AREA, IRRIGABLE LANDS ON INDIAN RESERVA- Acres.  
TIONS, 1912: -----1,763,654

    Allotted, ----- 745,351  
    Unallotted, ----- 1,018,303

---

AREA OF INDIAN LANDS UNDER DITCH: (estimated  
by Chief Irrigation Engineer, Indian  
Service), ----- 625,000

---

IRRIGATED LANDS ON INDIAN RESERVATIONS,  
1912; ----- 302,544

    Allotted, ----- 220,484  
    Unallotted, ----- 82,060

---

AREA IRRIGATED LANDS ON INDIAN RESERVATIONS,  
FARMED BY INDIANS:  
Less than ----- 100,000

---

AMOUNT EXPENDED TO JUNE 30, 1913, ON IRRIGATION PROJECTS:

From "Reimbursable" Appropriations,-----	\$	6,736,840.93
" "Gratuity" " ,-----		2,873,519.96
T o t a l -----	\$	9,610,360.89

---

VALUATION OF PROPERTY, (INCLUDING FUNDS IN BANK) OF INDIVIDUAL INDIANS' 1912, ON RESERVATIONS WHERE IRRIGATION PROJECTS HAVE BEEN CONSTRUCTED:

From "Reimbursable" Appropriations,-----	\$	37,082,322.00
" "Gratuity" " ,-----		16,867,725.02
T o t a l -----	\$	53,950,047.02

---

VALUATION OF TRIBAL PROPERTY, 1912, (INCLUDING TRIBAL FUNDS IN TREASURY AND TIMBER RESOURCES), ON RESERVATIONS WHERE IRRIGATION PROJECTS HAVE BEEN CONSTRUCTED:

From "Reimbursable" Appropriations,-----	\$	68,842,099.97
" "Gratuity" " ,-----		45,661,472.87
T o t a l -----	\$	114,503,572.84.

---

NOTE:

The statistics for this report are not entirely uniform and I am not sure of their accuracy in every case, but they constitute the best information available. I have taken data from the report of the Chief Engineer of the Indian Service for June 30, 1913, for expenditures covered by that report; for other expenditures, the Commissioner's Annual Report for June 30, 1912 has been consulted.

STATISTICS AND DIGEST OF LEGISLATION  
RELATING TO  
PROJECTS CONSTRUCTED AND MAINTAINED FOR THE MOST PART FROM  
APPROPRIATIONS REIMBURSABLE  
FROM  
INDIAN FUNDS.

BLACKFEET, MONTANA.

POPULATION ----- 2,500

AREA OF RESERVATION ----- 959,644 Acres.

    Allotted, ---- 640

    Unallotted, -- 959,004

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
    (Including funds in bank) ----- \$ 5,721,950.00

VALUATION, TRIBAL PROPERTY, 1912,  
    (Including tribal funds in  
    treasury and timber resources) ----- 3,654,943.36

Total -- \$ 9,376,893.36

AMOUNTS PER CAPITA, TO, \$3,750.76

IRRIGATION DATA:

Estimated Cost of Completed Irrigation  
    Project ----- \$ 3,000,000.00

Estimated Area of Completed Irrigation  
    Project ----- (Acres) ----- 122,500

Amount Expended to June 30, 1913, ----- \$830,321.99

Area Irrigable from Constructed Works -- 10,800 Acres

Irrigated by Indians ----- None

    " Whites ----- "

Estimated Value, Irrigated Land ----- \$30 per Acre

LEGISLATION.

1. Blackfeet Agreement.

\* \* \* \* Such sums, or so much thereof as may be necessary in any one year, shall be expended \*\*\* in assisting the Indians to build and keep in repair their houses, inclose and irrigate their farms, and in such other ways as may best promote their civilization and improvement.

Article VII. It is further agreed that whenever, in the opinion of the President, the public interests require the construction of railroads or other highways, telegraph and telephone lines, canals and irrigating ditches, through any portion of this reservation, right of way shall be and is hereby granted for such purposes, under such rules, regulations, limitations, and restric-



tions as the Secretary of the Interior may prescribe; the compensation to be fixed by said Secretary and by him expended for the benefit of the Indians.

Act, June 10, 1896, (29 Stat.L.355-356)

2. \* \* \* \* That there shall be allotted to each member forty acres of irrigable land and two hundred and eighty acres of additional land valuable only for grazing purposes; or, at the option of the allottee, the entire three hundred and twenty acres may be taken in land valuable only for grazing purposes, respectively, and for constructing irrigating systems to irrigate the aforesaid allotted lands, three hundred thousand dollars, one hundred thousand dollars of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within said reservations: Provided, that the Indians and the settlers on the surplus land, in the order named, shall have a preference right for one year from the date of the President's proclamation opening the reservation to settlement, to appropriate the waters of the reservation which shall be filed on and appropriated under the laws of the State of Montana, by the Commissioner of Indian Affairs on behalf of the Indians taking irrigable allotments and by the settlers under the same law. At the expiration of the one year aforesaid the irrigation system constructed and to be constructed shall be operated under the laws of the State of Montana, and the title to such systems as may be constructed under this Act, until otherwise provided by law, shall be in the Secretary of the Interior in trust for the said Indians, and he may sue and be sued in matters relating thereto: And provided further, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Montana: And provided further, That when said irrigation systems are in successful operation the cost of operating the same shall be equitably apportioned upon the lands irrigated, and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done in their behalf within thirty years, suitable deduction being made for the amounts received from the disposal of the lands within the reservation aforesaid: Provided, That the right to the use of water acquired under the provisions of this Act shall be appurtenant to the land irrigated, and beneficial use shall be the basis, the measure and the limit of the right.

Act, March 1, 1907, (34 Stat.L.1015)

3. For construction of irrigation systems to irrigate the allotted lands of the Indians of the Blackfeet Indian reservation in Montana and the unallotted irrigable lands to be disposed of under authority of law, including the necessary surveys, plans, and estimates, two hundred thousand dollars: Provided, That the amount hereby appropriated, and all moneys heretofore or hereafter to be appropriated, for this project shall be repaid into the Treasury of the United States in accordance with the provisions of the Act of March first, nineteen hundred and seven.

Act, April 4, 1910, (36 Stat.L.269-277)

4. Appropriation, \$150,000, reimbursable, "for continuing construction of first unit", according to provisions, paragraph 3, supra.

Act, March 3, 1911, (36 Stat.L.1058-1068)

5. Appropriation, \$100,000, reimbursable; see paragraph 3, supra.

Act, Aug. 24, 1912 (37 Stat.L.518-526)

6. Appropriation, \$150,000, reimbursable, supra

Act, June 30, 1912, (Public No.4 15)

7. Estimate, \$50,000, reimbursable, supra, pending Indian Bill, 1915.

COLORADO RIVER, ARIZONA.

POPULATION ----- 500

AREA OF RESERVATION -----240,640 Acres.

Allotted, None

Unallotted, -----240,640

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(Including funds in bank) ----- \$ 13,400.00

VALUATION, TRIBAL PROPERTY, 1912,  
(Including tribal funds in  
treasury and timber resources)----- 1,469,986.47

Total ---\$1,483,386.47

AMOUNTS PER CAPITA, TO, \$2,966.77

IRRIGATION DATA:

Estimated Cost of Completed Irrigation Project -----	<i>Not known.</i>
Estimated Area of Completed Irrigation Project ----- (Acres)-----	6,000 Acres
Amount Expended to June 30, 1912, -----	<i>\$170,876.72</i>
Irrigated by Indians -----	450 Acres
" " Whites -----	None "
Estimated Value, Irrigated Land -----	\$200 Per Acre.
Area Irrigable from Constructed Works -	800 Acres.

Legislation.

1. Appropriation, (Gratuity) \$50,000"for completing the construction of irrigating canal on the Colorado River reservation in Arizona".

Act, July 27, 1868 (15 Stat.L.198-222)

2. (Collecting and locating the Colorado River Indians in Arizona) Appropriation, \$20,000, supra.

Act, May 29, 1872 (17 Stat.L.165-188)

3. Provision for allotment of five acres of irrigable land to each Indian on the reservation, and the Secretary of the Interior authorized "to divert the waters of the Colorado River and to reclaim, utilize, and dispose of any lands in said reservations which may be irrigable by such works in like manner as though the same were a part of the public domain", and the remainder of the

irrigable lands disposed of to settlers under the provisions of the Reclamation Act, said settlers to be required to pay an additional sum which shall fairly represent the value of the unallotted land before reclamation, such additional sum to be paid into the reclamation fund and used to pay the charges for the reclamation of "said allotted lands, and the remainder thereof shall be placed to the credit of said Indians" and expended for their benefit under the direction of the Secretary of the Interior.

Act, April 21, 1904 (33 Stat.L.224)

4. Additional area of forty acres for station grounds granted to the Arizona and California Railway Co., subject to right of the Government to cross with canals, etc.

Act, March 16, 1903 (35 Stat.L.43)

5. "For the construction of a pumping plant to be used for irrigation purposes", for the "utilization of water in connection therewith, for the irrigation of approximately 150,000 acres of land, \$50,000, to be reimbursed from the sale of the surplus lands of the reservation".

Act, April 4, 1910 (36 Stat.L.272)

6. An Act to authorize the Chucawalla Development Co. to build a dam across the Colorado River at or near the mouth of Pyramid Canyon, Ariz.: also a diversion intake dam at or near Black Point, Ariz. and Blythe, California.

Act, February 15, 1911 (36 Stat.L.909)

7. Act of April 21, 1904, see paragraph 3, supra, amended as follows: "Provided, That there shall be reserved for and allotted to each of the Indians belonging on said reservation, ten acres of the irrigable land", and \$18,000, reimbursable from the sales of surplus lands or from any other funds that may become available appropriated "to defray the cost of the irrigation of the increased allotments.

"Provided further, That in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project, before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equitably by the Secretary of the Interior, shall become a first lien on such allotment, and the fact of such lien shall be recited on the face of each patent in fee issued and the



amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee or his heirs, shall actually occupy the allotment as a homestead, and the receipt of the Secretary of the Interior or of the officer, agent, or employee duly authorized by him for that purpose, for the payment of the amount assessed against any allotment as herein provided shall, when duly recorded by the recorder of deeds in the county wherein the land is located, operate as a satisfaction of such lien.

Act, March 3, 1911, (36 Stat.L.1063)

8. An Act to authorize the Greeley-Arizona Irrigation Co. to build a dam across the Colorado River at or near Head Gate Rock, near Parker, in Yuma County, Arizona.

Act, March 3, 1911 (36 Stat.L.1081)

9. Appropriation, \$55,000, reimbursable; see paragraph 5, supra.

Act, August 24, 1912, (37 Stat.L.518-523)

10. Appropriation, \$25,000, reimbursable, available until expended. See paragraph 5, supra.

Act, June 30, 1913, (Public No.4,9)

11. Estimate in pending Indian Bill, \$17,000. See paragraph 5, supra.



CROW, MONTANA.

POPULATION----- 1,731

AREA OF RESERVATION----- 2,313,313 Acres  
Allotted ---- 478,542  
Unallotted,--1834,671

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(Including funds in bank) ----- \$ 4,963,026.00

VALUATION, TRIBAL PROPERTY, 1912,  
(Including tribal funds in  
treasury and timber resources) ----- 6,073,297.76

Total ---- \$11,036,323.76

AMOUNTS PER CAPITA, TO, \$6,375.69

IRRIGATION DATA:

Estimated cost of completed irrigation  
project ----- \$1,153,565.11

Estimated Area of completed irrigation  
project ----- (Acres) ----- 70,000 Acres

Amount expended to June 30, 1913, ----- 1,153,565.11

Area irrigable from constructed works --- 68,756 Acres

Irrigated by Indians ----- 11,376 "

" " Whites ----- 5,864 "

Estimated Value, Irrigated Land ----- \$33 Per Acre.

LEGISLATION.

1. Crow agreement. \$946,000, consideration for ceded territory.  
"\$200,000 to be expended under the direction of the Secretary of  
the Interior, in the building of dams, canals, ditches, and  
laterals for the purpose of irrigation in the valleys of the Big  
Horn, Little Big Horn Rivers"; Pryor Creek and other streams -  
"Not to exceed \$50,000 to be expended annually in performing this  
work". "The sum of \$75,000 is hereby appropriated and set apart  
as an irrigating fund, to be expended under the direction of  
the Secretary of the Interior for the maintenance and management  
of the system".

Act, March 3, 1891 (26 Stat.L.989)

2. "With the consent of the Crow Indians in Montana, to be obtained  
in the usual way, the Secretary of the Interior, in his discretion,  
may use the annuity money due, or to become due said  
Indians, to complete the irrigation system.

Act, March 1, 1899 (30 Stat.L.947)

An identical provision in Act of June 6, 1900 (31 Stat.L.676)

3. Amended Crow agreement. \$90,000 appropriated for extension and completion of irrigation system; \$100,000 to be deposited in Treasury, "to the credit of the Crow Indians as a trust fund, the same to remain in the Treasury for fifteen years" and draw four per cent interest to be expended by the Secretary of the Interior in "maintaining and managing said irrigation system"; fund to be disposed of at end of fifteen years "as the Indians, with the consent of the Secretary of the Interior may determine". Water from streams on ceded portion needed to irrigate "lands actually cultivated and in use shall be reserved for the Indians now using the same so long as said Indians remain where they now live".
- Provision also for irrigation on ceded portion under Reclamation Act.

Act, April 27, 1904, (35 Stat.L.352)

4. Another Act relating to irrigation on ceded portion of reservation.

Act, March 3, 1909 (35 Stat.L.798)

FLATHEAD -- MONTANA.

POPULATION, -----2,281.

AREA OF RESERVATION, -----328,227 acres.

Allotted, -----328,227

Agricultural lands, 171,152

Grazing " 57,075

Unallotted, ----- none.

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,

(including funds in bank), -----\$5,102,336.00

VALUATION TRIBAL PROPERTY, 1912, (including

tribal funds in treasury and

timber resources), ----- 9,435,827.75

T o t a l -----\$14,538,163.75

AMOUNTS PER CAPITA TO -----\$6,374.00

IRRIGATION DATA:

Estimated cost of completed irrigation project,--\$ 6,000,000.00

Estimated area " " " " 152,000 acres

Amount expended to June 30, 1913, -----\$ 1,214,561.78

Area irrigable from constructed works, ----- 38,000 acres

Irrigated by Indians, ----- 1,088 "

" " Whites, ----- 2,278 "

Estimated value, irrigated land, -----\$100.00 per "

LEGISLATION.

1. Flathead allotment Act: One half of proceeds of sale of surplus to be expended in discretion of Secretary of the Interior, for the benefit of Indians "including the Lower Pend d'Oreille or Kalispel thereon at the time this Act shall take effect, in the construction of irrigation ditches, the purchase of stock cattle, farming implements, or other necessary articles to aid the Indians in farming and stock raising and in education and civilization".

Act, April 23, 1904, (33 stat. L - 305).

2. Amendment above Act: "Nothing in this Act shall be construed to deprive any of said Indians, or said persons or corporations to whom the use of land is granted by this Act, of the use of water appropriated and used by them for the necessary irrigation of their lands, etc.,"

Act, June 21, 1906, (34 stat. L - 354).

3. Appropriation, \$50,000., reimbursable, from proceeds sale of lands "for preliminary surveys, plans and estimates of irrigating systems" for allotted and unallotted lands to be disposed of under Act, April 23, 1904.

Act, April 30, 1908, (35 stat. L - 83).

4. Appropriation, reimbursable from sale of lands, \$250,000., "for the construction of irrigation systems", including necessary surveys etc., paragraph 3, supra.

Act, April 4, 1910, (36 stat. L - 277).

5. Provision for the sale, under rules and regulations prescribed by the Secretary of the Interior, "of not to exceed 60 acres of each individual allotment of lands" ----- "which are or may be irrigable lands", one half the proceeds paid to the Indians in trust, the other half to be held in trust by Government at 3 per cent.

Provision for lien allotments to Indians allotted without power or reservoir sites upon request of Indian allottee and in case of neglect or failure of allottees to select lien allotments, the Secretary of the Interior "authorized to bring action under the provision of the laws of the State of Montana to condemn and acquire title" to such lands:

Act, April 12, 1910, (36 stat. L - 297).

6. Appropriation, \$400,000., same as paragraph 4, supra.

Act, March 3, 1911, (36 stat. L. 1058 - 1066).

7. Reservation of lands below a line 9 feet above high water mark adjacent to Flathead Lake, for storage for irrigation and power purposes.

Act, August 24, 1912, (37 stat. L. 527).

8. Appropriation, \$325,000., same as paragraph 4, supra.

Act, June 30, 1913, (Public No. 4, 15).

9. Estimated \$100,000., same as paragraph 4, supra, fiscal year 1915.



FORT BELKNAP - MONTANA.

POPULATION, ----- 1,183.

AREA OF RESERVATION, ----- 497,600 acres.

    Allotted, ----- none

    Unallotted, ----- 497,600

        Agricultural lands, 89,600

        Grazing " 408,000

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
    (including funds in bank), ----- \$ 150,207.00

VALUATION TRIBAL PROPERTY, 1912, (including  
    tribal funds in treasury and  
    timber resources), ----- 4,246,330.91

                                    T o t a l ----- \$4,396,537.91

AMOUNTS PER CAPITA TO ----- \$3,716.00.

IRRIGATION DATA:

Estimated cost of completed irrigation project, ---\$ 216,072.96

Estimated area of completed irrigation project, --- 22,000 acres

Amount expended to June 30, 1913, ----- \$ 216,072.96

Area irrigable from constructed works, ----- 22,000 acres

Irrigated by Indians, ----- 7,670 "

                                    " 160 "

Estimated value, irrigated land, ----- \$ 100.00 per "

LEGISLATION.

1. Fort Belknap agreement.  
    "Such sums, (\$90,000. a year for 4 years and sums accumulated under agreement of 1887) or so much thereof as may be necessary, in any one year, shall be expended in assisting the Indians to build and keep in repair their houses, enclose and irrigate their farms".  
    Act, June 10, 1896, (29 stat. L. 351).
2. "For completion and extension of the Milk River Irrigation System", \$25,000:  
    Act, April 30, 1908, (35 stat. L. 87).
3. Appropriation, \$25,000., supra, "reimbursable".  
    Act, March 3, 1909, (35 stat. L. 795).
4. Appropriation, \$25,000., supra, "reimbursable", also making appropriation Acts April 30, 1908 and March 3, 1909, "reimbursable", from "Indian funds applicable".  
    Act, April 4, 1910, (36 stat. L. 277).



5. Appropriation, \$15,000., "reimbursable", with proviso that if allottee receive patent in fee before charges are reimbursed, same shall become first lien on land, the same not to be enforced while the land is in Indian ownership.

Act, March 3, 1911, (36 stat. L. 1066).

6. Appropriation, \$15,000., supra.

Act, August 24, 1912, (37 stat. L. 526).

7. Appropriation, \$22,45, deficiency.

Act, August 26, 1912, (37 stat. L. 526).

8. Appropriation, \$15,000., "reimbursable"; see paragraph 5, supra.

Act, June 30, 1913, (Public No. 4, 15).

9. Estimate, \$25,000., pending Indian Bill 1915; see paragraph 5, supra.

FORT HALL, IDAHO.

POPULATION, ----- 1,867

AREA OF RESERVATION, -----454,239 acres.

Allotted, ----- 6,389

Unallotted,-----447,940

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(including funds in bank), -----\$ 308,641.00

VALUATION, TRIBAL PROPERTY, 1912,  
(including tribal funds in treasury  
and timber resources), ----- 4,178,112.72

T o t a l --- \$4,486,753.72

AMOUNTS PER CAPITA TO - \$ 2,403.19

IRRIGATION DATA:

Estimated cost of completed irrigation  
project, -----\$ 800,000.00

Estimated area of completed irrigation  
project, ----- 50,000 acres

Amount expended to June 30, 1912, -----\$ 886,113.67

Area irrigable from constructed works,-- 35,000 acres

Irrigated by Indians, ----- 3,300 "

" " Whites, ----- 6,085 "

Estimated value, irrigated land, -----\$ 50.00 per acre.

LEGISLATION.

1. Act authorizing Secretary of Interior to grant rights of way into and across reservation to canal ditch or Reservoir Companies and to prescribe rules and regulations for supply of surface water to Indians. Act of March 3, 1891; (26 stat.L-1011).

2. Secretary of the Interior directed to contract with responsible parties for construction of irrigating canals and purchase of water supply, for purpose of irrigating reservation lands; the expenses to be paid out of Indian funds in the treasury. Act of August 15, 1894; (28 stat.L-305).

3. Act, ratifying the agreement with Fort Hall Indians, reserving water from streams on portion of reservation sold, which is necessary for irrigated land actually cultivated and in use by Indians. Act of February 12, 1901; (31 stat.L-676).

4. Appropriation, \$25,000.00, for completing survey on Fort Lemhi and Fort Hall Indian reservations and for a reconnaissance survey and preparation of plans for an irrigation system and storage system for Indian lands and lands ceded by the Act of June 6, 1900. Act of June 21, 1906; (34 stat.L-334).

5. Secretary of the Interior authorized to acquire by purchase or condemnation, land in Idaho deemed by him necessary in constructing a reservoir for storing water, for the purpose of irrigating lands on the Fort Hall Indian Reservation and those ceded by the Indians; also lands, rights and property necessary for such project, and authorizing him to sell the water rights for lands in private ownership at \$6.00 per acre; the land susceptible of irrigation and owned by Indians in severalty or in common; to have a right to so much water as required to irrigate said land, "without cost to the Indians so long as the title remains in said Indians" or tribe, but if such lands are leased for a longer term than 3 years, they shall bear their pro-rata part of the cost of the maintenance of the system that may be constructed and when the Indian title is extinguished, these lands shall also bear their pro-rata cost of maintenance". Provision that management and operation of irrigation work shall pass to owners of land when payment is made for major part of the lands that can be irrigated "under such form of organization and such rules and regulations as may be acceptable to the Secretary of the Interior, in accordance with the Statute of the State of Idaho". Title to management and operation of reservoir and works necessary to its protection and operation, to remain in the Government, until otherwise provided by Congress; free water provided for reservation school and farm. "Water rights acquired or provided for in this measure shall be appurtenant to the land irrigated, and there is appropriated for carrying out the provisions of this Act, \$350,000., which shall be reimbursed the United States from the moneys obtained from the sale of water rights". Act of March 1, 1907; (34 stat.L-1024).

6. Appropriation, \$100,000.00, for carrying out Act of March 1, 1907, supra. Act of April 30, 1908; (35 stat.L-78).

7. Appropriation, \$100,000.00, reimbursable, to carry out Act of March 3, 1909. (35 stat. L - 787).

8. Appropriation, \$100,000.00, "for continuing the work of constructing an irrigation system for the irrigation of lands on the Fort Hall Reservation, Idaho, and lands ceded by the Indians of said reservation", reimbursable. Act of April 4, 1910; (36 stat.L-274).

9. Appropriation, \$36,000.00, for the benefit of the Indians removed to Fort Hall Reservation from Lemhi Agency, Idaho. To pay the 12th to the 20th inclusive, of the 20 installments provided in the agreement with the Indians of the Fort Hall and Lemhi Agencies, provided that Indians entitled to allotments on the Fort Hall Reservation shall have the option to accept a portion of their allotments within the irrigated portion of the reservation or avail themselves of the provisions of the Act of February 23, 1889. Act of April 4, 1910; (36 stat. L - 275).

10. \$25,000.00 of amount heretofore appropriated for continuing construction of irrigation, etc., made immediately available. Act, June 25, 1910; (36 stat. L - 744).

11. Appropriation, \$85,000.00, to complete construction of irrigation system, etc., "including \$10,000.00 for maintenance to be immediately available"; also provision for allotment 40 acres irrigable land and 320 acres grazing land to each head of family, and to each other Indian belonging on the Reservation 20 acres of irrigable and 160 acres grazing land. Act of March 3, 1911; (stat. 36 - L -1063).

12. Appropriation, \$20,000.00, gratuity, "for maintenance and operation of the Fort Hall irrigation system". Act of August 24, 1912; (37 stat. L - 524).

13. Appropriation, \$20,000.00, gratuity, supra. Act of June 30, 1913; (Public No.4,11).

14. Estimate, \$40,000.00, gratuity, pending Indian Bill.



NOTE:

The Secretary of the Interior completed filings on the water for the irrigation of lands on the Fort Hall Indian reservation, under State law, in 1913. The laws of Idaho require beneficial use, within four years after the completion of filings - Hence, if the State law governs, beneficial use must be made of water for these lands by the year 1916.



PORT PECK, MONTANA.

Population ----- 1,833

Area of reservation ----2,774,967 Acres.  
Allotted, 723,693  
Unallotted, 1,051,274

Valuation Individual Indians' Property, 1912,  
(Including funds in bank) -----\$ 4,304,932

Valuation Tribal Property, 1912,  
(Including tribal funds in treasury  
and timber resources) --- 5,841,064.14

Total -----\$10,145,996.14

Amounts per capita, to, \$5,535.19

Irrigation Data:

Estimated cost of completed irrigation project,	\$5,162,300.00
Estimated area of completed irrigation project,	
(Acres)---	152,000.00
Amount expended to June 30, 1913, -----	\$281,648.79
Area irrigable for constructed works -----	7,500 Acres
Irrigated by Indians -----	None
" " Whites -----	"
Estimated value of irrigated land -----	\$30 Per Acre

Legislation.

1. Port Peck allotment, 320 acres grazing land and not less than 2 1/2 nor more than 20 acres timber land to heads of families and single adults over 18 years of age. Secretary of the Interior authorized to cause examination of lands by Reclamation Service and Geological Survey, and "to construct such irrigation projects and reserve such lands as may be irrigable therefrom".

Provided, That should it be determined as feasible, after examination, to irrigate any of said lands, the irritable land shall be allotted in equal proportions to such only of the members of said tribe as shall be living at the day of the beginning of the work of allotment on said reservation by the special allotting agent, and such allotment of irrigable land shall be in addition to the allotment of grazing and timber lands aforesaid, but no member shall receive more than 40 acres of such irrigable land; and to pay the costs of examination provided for herein and for the construction of irrigation systems to irrigate lands which may be found susceptible of irrigation, there is hereby appropriated two hundred thousand dollars, to be immediately available, the said sum and any and all additional sums hereafter appropriated to pay the cost of such examination and irrigation systems to be

reimbursed from proceeds from sales of lands with said reservation; provided, however, that any land irrigable by any system constructed under the provisions of this Act may be disposed of subject to the following conditions: The entryman or owner shall, in addition to the payments required by section eight of this Act, be required to pay for a water right the proportionate cost of the construction of said system in not more than fifteen annual installments, as fixed by the Secretary of the Interior, with a view to the return of all moneys expended thereon, the same to be paid at the local land office, and the register and receiver shall be allowed the usual commissions on all moneys paid.

The land irrigable under the systems herein provided which has been allotted to Indians in severalty, shall be deemed to have a right to so much water as may be required to irrigate such land without cost to the Indians for the construction of such irrigation systems. The purchaser of any Indian allotment purchased prior to the expiration of the trust period thereon shall be exempt from any and all charge for construction of the irrigation system incurred up to the time of such purchase. All lands allotted to Indians shall bear their pro rata share of the cost of operation and maintenance of the irrigation system under which they lie; and the Secretary of the Interior may withhold from any Indian a sufficient amount of his pro rata share of any moneys subject to distribution to pay any charge assessed against land held in trust for him for operation and maintenance of the irrigation system.

When the payments required by this Act have been made for the major part of the unallotted lands irrigable under any system, and subject to charges for construction thereof, the management and operation of such irrigation works shall pass to the owners of the lands irrigated thereby, to be maintained at their expense, under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior.

All appropriations of the waters of the reservation shall be made under the provisions of the laws of the State of Montana.

Sec. 10. That if, after the approval of the classification and appraisal, as provided herein, there shall be found lands within the limits of the reservation deemed practicable for irrigation projects deemed practicable under the provisions of the Act of Congress approved June seventeenth, nineteen hundred and two, known as the Reclamation Act, said lands shall be subject to withdrawal and be disposed of under the provisions of said Act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value as provided in this Act, to the proper officers, to be covered into the Treasury of the United States to the credit of the Indians.

\* \* \* \* \*

Approved May 30, 1906.

Act, May 30, 1908 (35 Stat. L. 558)

2. Appropriation, \$100,000, reimbursable, "for continuing construction of irrigation systems, to irrigate allotted lands of the Indians" including necessary surveys, etc.

Act, Aug. 24, 1912 (37 Stat. L. 518-526)

3. Appropriation, \$150,000, paragraph 2, supra.

Act, June 30, 1913, (Public No. 4, 15)

4. Estimate, \$50,000, pending Indian Bill, 1915.

# KLAMATH -- OREGON.

POPULATION, -----1,117.

AREA OF RESERVATION, -----1,019,176 acres.

    Allotted, ----- 207,374

    Unallotted, ----- 811,802

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,

    (including funds in bank), -----\$2,168,275.00

VALUATION TRIBAL PROPERTY, 1912, (including

    tribal funds in treasury and

    timber resources), -----26,678,660.39

                    T o t a l -----\$28,846,935.39

AMOUNTS PER CAPITA TO ----- \$25,834.00

## IRRIGATION DATA:

Estimated cost of completed irrigation project,--\$ 155,000.00

Estimated area " " " 6,320 acres

Amount expended to June 30, 1912, -----\$ 35,814.09

Area irrigable from constructed works, ----- None

Irrigated by Indians, ----- "

    " " Whites, ----- "

Estimated value, irrigated land, -----\$ 50.00 per acre

## LEGISLATION.

1: Agreement with Klamath Indians, ratified by Act of Congress, June 21, 1906, (34 stat. L. 367), set apart \$162,007.20, less "legal fees of attorneys having duly approved contracts", to be "expended for the benefit of said Indians under the direction of the Secretary of the Interior, upon requisition of the Indians through the United States Indian Agent, in the drainage and irrigation of their lands and the purchase of stock cattle for issue to said Indians and for such other purposes as may in his opinion best promote their welfare; Provided, That beneficiaries whose allotments will not be benefited by the irrigation systems constructed under this provision shall not bear any of the expense of such irrigation construction, and shall, as nearly as practicable, receive an equivalent in value of the stock cattle, or other articles herein contemplated", etc.

2: "For continuing the construction of the Modoc Point irrigation project, including drainage and canal systems, \$50,000."; and limiting total cost to \$155,000., including \$35,141.58 expended to June 30, 1910; entire cost of project to be repaid into treasury "from the proceeds from the sale of timber or lands on the Klamath Indian Reservation".

Act of March 3, 1911, (36 stat. L. 1071).



3. Act of August 24, 1912, (37 stat. L. 534), reappropriates \$50,000., and re-enacts other provisions of Act of March 3, 1911, supra.

4. Act of June 30, 1913, (Public No. 4, 24), appropriated \$105,000. to complete construction and "remain available until expended".

5. The pending Indian Bill for the fiscal year 1915, carries an item of \$4,740.00 for experimental drainage surveys, a gratuitous appropriation.



SHOSHONE -- WYOMING.

(WIND RIVER)

POPULATION, -----1,697.

AREA OF RESERVATION, -----318,543 acres.

Allotted, ----- 223,236

Unallotted, ----- 95,307

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1913,  
(including funds in bank), -----\$ 809,060.00

VALUATION TRIBAL PROPERTY, 1913, (including  
tribal funds in treasury & timber resources, --- 914,130.70  
T o t a l ----- \$1,723,190.70

AMOUNTS PER CAPITA TO ----\$1,015.00

IRRIGATION DATA:

Estimated cost of completed irrigation project, \$1,221,117.30  
Estimated area " " " 65,674 acres.  
Amount expended to June 30, 1913, ----- \$ 607,637.30  
Area irrigable from constructed works, ----- 35,000 acres:  
Irrigated by Indians, ----- 5,000 "  
" " Whites, ----- 7,000 "  
Estimated value, irrigated land, ----- \$50.00 per acre

LEGISLATION.

1. Amended agreement with Indians of the Shoshone reservation, \$150,000., set apart "for the construction and extension of an irrigation system within the diminished reservation for the irrigation of the lands of said Indians" (33 stat. L - 1017).

"Upon the completion of the said \$50. per capita payment any balance remaining in the said fund of \$85,000., shall at once become available and shall be devoted to surveying, platting, making of maps, payment of the fees, and the performance of such acts as are required by the statutes of the State of Wyoming in securing water rights from said State for the irrigation of such lands as shall remain the property of said Indians, whether located within the territory intended to be ceded by this agreement or within the diminished reserve".

Act, March 3, 1905, (33 stat. L - 1030).

The sum of \$25,000., appropriated, supra, "reimbursable from sale of said lands" for the construction and extension of an irrigation system on the diminished reserve.

2. Appropriation, \$100,000., for carrying out article 4 of Act, supra, reimbursable from sale of lands.

Act, June 21, 1906, (34 stat. L - 384).

3. Appropriation, \$100,000., supra.  
Act, March 1, 1907, (34 stat. L - 1054).
4. Appropriation, \$125,000., supra.  
Act, April 30, 1908, (35 stat. L - 27).
5. Appropriation, \$100,000., supra.  
Act, March 3, 1909, (35 stat. L - 815).
6. Appropriation, \$75,000., supra.  
Act, April 4, 1910, (36 stat. L - 288).
7. Appropriation, \$50,000., supra.  
Act, March 3, 1911, (36 stat. L - 1075).
8. Provision that any person having entered land on the ceded portion of the Shoshone reservation prior to December 16, 1911, "and has not abandoned the same and who has been unable to secure water for the irrigation of the lands covered by his entry, may acquire title to the same upon submission of satisfactory proof that he has established and maintained actual bona fide residence upon his land for a period of not less than 8 months and payment of sums remaining due on said lands".  
Act, April 27, 1912, (37 stat. L - 91).
9. Appropriation, \$50,000., supra., "including the maintenance and operation of completed canals".  
Act, August 24, 1912, (37 stat. L - 539).
10. Appropriation, \$50,000., supra., (construction and maintenance).  
Act, June 30, 1913, (Public No. 4, 29).
11. Estimated, \$25,000., pending Indian Bill.

UINTAH, UTAH.

POPULATION ----- 1,183

AREA OF RESERVATION ----- 891,101 Acres.  
Allotted, --- 111,907  
Unallotted, -- 179,194

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(including funds in bank) ----- \$ 2,286,356.00

VALUATION, TRIBAL PROPERTY, 1912,  
(including tribal funds in  
treasury and timber resources) ----- 1,249,985.24

Total-- \$ 3,536,541.24

AMOUNTS PER CAPITA, TO, \$2,989.00

IRRIGATION DATA:

Estimated Cost of Completed Irrigation Project -----	\$1,000,000.00
Estimated Area of Completed Irrigation Project ----- (Acres) -----	98,400
Amount Expended to June 30, 1913, -----	\$744,603.86
Area Irrigable from Completed Works -----	87,880 Acres
Irrigated by Indians -----	6,000 "
" " Whites -----	6,994 "
Estimated Value, Irrigated Land -----	\$30 Per Acres

LEGISLATION.

1. The Secretary of the Interior authorized to grant rights of way for dams, ditches and canals on the Uintah Indian Reservation "subject at all times to the permanent rights of the Indians on said reservation to so much of said waters as may have been appropriated or may hereafter be appropriated or needed by them for agricultural and domestic purposes; and it shall be the duty of the Secretary of the Interior to prescribe such rules and regulations as he may deem necessary to secure to the Indians the quantity of water needed for their present and prospective wants and to otherwise protect the rights and interests of the Indians and the Indian Service".

Act, March 11, 1899, (30 Stat. L.941)

2. "With the consent thereto of the majority of adult male Indians of the Uintah and the White River Tribes of the Indians", allotment to be made of irrigable land, 80 acres to heads of families and 40 acres to each other member", said

allotments to be made prior to October 1, 1905 - all unallotted lands to be restored to the public domain.

Act, May 27, 1902, (32 Stat. L.263)

3. In addition to allotments in severalty to Uintah and White River Utes, before any lands are opened to settlement, the Secretary of the Interior was to set apart such "non-irrigable grazing lands" as will "subserve the reasonable requirements of said Indians for the grazing of live stock".

"All allotments hereafter made to Uncompahgre Indians of lands in said Uintah Indian reservation shall be confined to agricultural land that can be irrigated and shall be on the basis of eighty acres to each head of family and forty acres to each other Indian and no more".

Act, June 19, 1902, (32 Stat.L.144)

4. President authorized to reserve as an addition to the Uintah Forest Reserve, lands in the Uintah reservation; also "any reservoir site or other lands necessary to conserve and protect the water supply for the Indians, or for general agricultural development, and may confirm such rights to water thereon as have already accrued".

Act, March 3, 1905, (33 Stat.L.1070)

5. For constructing irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah, and White River Utes in Utah, the limit of cost of which is hereby fixed at six hundred thousand dollars, one hundred and twenty-five dollars of which shall be immediately available, the cost of said entire work to be reimbursed from the proceeds of the sale of the lands within the former Uintah reservation: Provided, That such irrigation systems shall be constructed and completed and held and operated, and water therefor appropriated under the laws of the State of Utah, and the title thereto until otherwise provided by law shall be in the Secretary of the Interior in trust for the Indians, and he may sue and be sued in matters relating thereto: And provided further, That the ditches and canals of such irrigation systems may be used, extended, or enlarged for the purpose of conveying water by any person, association, or corporation under and upon compliance with the provisions of the laws of the State of Utah; And provided further, That when said irrigation systems are in successful operation the cost of operating same shall be equitably apportioned upon the lands irrigated.



and, when the Indians have become self-supporting, to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work done, in their behalf, within thirty years, suitable deduction being made for the amounts received from disposal of the lands within the former Uintah reservation.

6. Secretary authorized to lease for period "not exceeding ten years", the allotted lands of any Indian of the Uintah and Uncompahgre reservation when it shall appear to his satisfaction that their lands are susceptible of irrigation "and that the allottee is unable to cultivate the same"

Act, April 30, 1908, (55 Stat. L.96)

7. Providing to reimburse Indians \$1.25 an acre from Reclamation fund for lands withdrawn by the President for reservoir purposes (Act, March 3, 1908). Also, appropriation of \$75,000 "to complete the irrigation systems to irrigate the allotted lands of the Uncompahgre, Uintah and White River Utes in Utah". (Act, June 21, 1906), reimbursable.

Act, April 4, 1910 (36 Stat. L.269-285).

8. \$75,000, reimbursable, appropriated under terms, supra.

Act, March 3, 1911 (36 Stat. L.1674)

9. "For continuing the construction of lateral distributing systems to irrigate the allotted lands of the Uncompahgre, Uintah and White River Utes, and to maintain existing irrigation systems", \$75,000, reimbursable, terms, supra.

Act, Aug. 24, 1912, (37 Stat. L.537)

10. Estimate \$25,000, pending Indian Bill.



YAKIMA, WASHINGTON.

POPULATION ----- 3,046

AREA OF RESERVATION ----- 1,092,819 Acres.

Allotted ---- 295,767

Unallotted -- 797,052

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,

(Including funds in bank)----- \$ 10,436,124.00

VALUATION, TRIBAL PROPERTY, 1912,

(Including tribal funds in  
treasury and timber resources) ----- 5,023,687.79

Total- \$ 15,459,811.79

AMOUNTS PER CAPITA, TO, \$5,076.00

IRRIGATION DATA:

Estimated cost of completed irrigation project -----	\$4,000,000.00
Estimated area of completed irrigation project ----- (Acres)-----	125,000
Amount expended to June 30, 1913, -----	\$546,816.72
Area irrigable from constructed works ---	54,000 Acres
Irrigated by Indians -----	5,350 "
" " Whites -----	29,454 "
Estimated value, irrigated land -----	\$100 to \$500
	Per Acre.

LEGISLATION.

1. Right of way 75 feet in width granted the Northern Pacific and Yakima Irrigation Co. for "the construction of an irrigating canal through the Yakima Indian reservation", compensation to be fixed by the Secretary of the Interior for right of way and damages to individual Indians; subject to consent of Indians.

Act, October 1, 1890 (26 Stat.1.661-662)

2. Right of way, 75 feet in width, granted to Columbia Irrigation Co. "for the construction of an irrigation canal through the Yakima reservation" giving it the right "to appropriate and use any and all water necessary for their use from the Yakima River not otherwise appropriated and in actual use at the time of the passage of this Act, or that may not be necessary for the domestic and irrigating purposes of any Indian to whom an allotment has been made or hereafter shall be made upon or along said Yakima River." Sufficient land granted also for storage reservoir - compensation and damages to Indians, supra.

"The rights herein granted are upon the express condition that the

grantee or grantees thereof shall at all times during the continuance thereof furnish the Indian allottees along said right of way with water sufficient for all domestic and agricultural purposes and purposes of irrigation, on such terms and under such rules and regulations as shall be prescribed by the Secretary of the Interior: Provided further, That Indians who have or may have allotments along said right of way shall have water for irrigation and domestic purposes free".

Act of July 23, 1894 (28 Stat.L.116)

The time for completin the canal, supra, was extended "two years from July 24, 1896", by Act of June 10, 1896 (29 Stat.L.342).

3. Disposition of surplus or unallotted lands provided. Lands "desirable or necessary in connection with the construction of contemplated irrigation systems or lands crossed by existing irrigation ditches", reserved. The net proceeds of sale of surplus and unallotted lands to be deposited in the Treasury to the credit of Indians and "expended for their benefit under the direction of the Secretary of the Interior in the construction, completion and maintenance of irrigation ditches, purchase of wagons, horses, farm implements, materials for houses and other necessary and useful articles". The Secretary of the Interior authorized "In the cases of entrymen and purchasers of lands now irrigated or that may hereafter be irrigated from systems constructed for the benefit of the Indians, to require such annual proportionate payments to be made as may be just and equitable for the maintenance of said systems". It is provided also that the Secretary of the Interior shall add the cost of placing water on the land to the land, which shall be paid by the entryman, as a condition to his receiving a perpetual water right. The Secretary of the Interior is also authorized to determine ~~when~~ the management and operation of irrigation works shall pass to the owners of the lands irrigated thereby, at thier expense.

Act, December 21, 1904 (33 Stat.L.599)

4. Provision that surplus or unallotted land found under project developed under the Reclamation Act (Act of June 17, 1902) may be excluded from operation of Act of December 21, 1904, supra, and be withdrawn from the purposes provided in the Reclamation Act, and entered as homesteads subject to the provision of said Reclamation Act.

"If any lands heretofore allotted or patented to Indians on said Yakima Indian reservation shall be found irrigable under any project the Secretary of the Interior is hereby authorized, upon the request or with the consent of such allottee or patentee, to dispose of all lands in excess of twenty acres in each case, in tracts of an area approved by him and subject to all the provisions of the Reclamation Act, to any person qualified to acquire water rights under the provisions of the Reclamation Act at a price

satisfactory to the allottee or patentee and approved by the Secretary of the Interior, or at public sale to the highest bidder". "From the payments received from the sale of such individual Indian lands there shall be covered into the Reclamation fund the amounts fixed by the Secretary of the Interior as the annual charges on account of the land retained by such Indians for the construction and maintenance of the irrigation system as required under the Reclamation Act." See also Section 5 and Section 6 of same Act.

Act, March 6, 1906 (34 Stat.L.53)

NOTE: The above Act has never become effective because the Indians have failed and refused to dispose of their lands thereunder.

5. To extend the irrigation system on "lands allotted to Yakima Indians; fifteen thousand dollars "to be reimbursed from the proceeds of the sale of surplus lands", under Act of December 21, 1904.

Act, June 21, 1906 (34 Stat.L.377)

See Act, March 1, 1907, (34 Stat.L.1050)

Also " April 30, 1908 (35 Stat.L.96)

" " March 3, 1909 (35 Stat.L.813)

For similar appropriations of fifteen thousand for each year.

6. Also Act, April 4, 1910 (36 Stat.L.286) for appropriation of fifteen thousand dollars for extension of irrigation system and two hundred and fifty thousand dollars, of which twenty-five thousand dollars was made immediately available, for the construction of a drainage system under provisions of Act, Dec. 21, 1904.

7. "For extension and maintenance" of the system, fifteen thousand dollars, terms, supra.

Act, March 3, 1911 (36 Stat.L.1075)

8. "Extension and maintenance", supra, fifteen thousand,

Act, August 24, 1912, (37 Stat.L.538)

9. Secretary of the Interior directed "To investigate the conditions on the Yakima reservation to determine best, most practicable and most feasible plan for providing water for such lands of said reservation as may be irrigated and to cause surveys, plans and reports to be made thereon, together with an estimated limit of cost of such irrigation project and to submit his report thereon to Congress on the first Monday in December, 1912, together with such facts and reasons in support of the same as may be necessary to advise Congress fully in regard thereto." (Act, Aug. 24, 1912 (37 Stat.L.518-538)

10. A Commission consisting of two members of the Senate Committee on Indian Affairs to be appointed by the Chairman of said Committee,

and two members of the House of Representatives to be appointed by the Speaker, "to investigate the necessity and feasibility of procuring impounded waters for the Yakima Indian reservation or the construction of an irrigation system upon said reservation, to impound the waters of the Yakima River for the reclamation of the lands on said reservation and for the use and benefit of the Indians.

Act, June 30, 1913 (

11. Appropriation, \$15,000, reimbursable; see paragraph 5, *supra*,

Act, June 30, 1913 (Public No. 4, 26)

12. Estimate, pending Indian Bill, 1915, \$15,000; see paragraph 5, *supra*.



YUMA, CALIFORNIA.

POPULATION ----- 803

AREA OF RESERVATION ---- 39,386 Acres

    Allotted, ---- None.

    Unallotted, -- 39,386 Acres

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912, ----- \$ 818,015.00  
    (Including funds in bank)

VALUATION, TRIBAL PROPERTY, 1912,  
    (Including tribal funds in  
    treasury and timber resources) ----- 76,072.74

Total. -- \$ 894,087.74

AMOUNT PER CAPITA, TO, \$1,113.44

IRRIGATION DATA:

Estimated Cost of Completed Irrigation Project -----	\$ 335,960.00
Estimated Area of Completed Irrigation Project -----	
(Acres) -----	8,090 Acres
Amount expended to June 30, 1913, -----	66,788.00
Area irrigable from Constructed Works -----	4,000 Acres
Irrigated by Indians -----	223
" Whites -----	None.
Estimated Value, Irrigated Land -----	\$300 to \$300 (Per Acre)

LEGISLATION.

1. Right of way granted the Colorado River Irrigation Co., "ground occupied by" canals, ditches, and laterals and fifty feet on each side, through Yuma Indian Reservation. Granted to "furnish the Indian occupants of the land situated on the lower side of the canal with water sufficient for all domestic and agricultural purposes and purposes of irrigation" upon terms and under rules and regulations prescribed by the Secretary of the Interior.

Act, Feb. 15, 1893; (27 Stat.L.456)

2. Agreement with Yuma Indians and after allotments to Indians, surplus lands to be sold and proceeds deposited to the credit of Yuma Indians and the same, with interest at five per cent per annum, shall be at all times, subject to appropriation by Congress, or to application, by order of the President, for the payment of water



rents, building of levies, irrigating ditches, laterals, the erection and repair of buildings, purchase of tools, farming implements and seeds, and for the education and civilization of said Yuma Indians."

Colorado River Irrigation Company required to begin construction of an irrigating canal "within three years from the date of the passage of this Act."

Authority given Secretary of the Interior "to fix the water rents to be paid by the said Indians for all domestic, agricultural and irrigation purposes, and in addition thereto each male adult Indian of the Yuma tribe shall be granted water for one acre of the land which shall be allotted to him, if he utilizes the same in growing crops, free of all rent charges during the period of ten years".

Act, August 15, 1894 (27 Stat.L.286-333)

3. Allotment and irrigation of Indian lands, (five acre allotments) under Reclamation Act -(See paragraph 5) under Colorado River reservation (23 Stat.L.224).

4. An act granting to the Yuma Pumping Irrigation Company right of way for two ditches across that part of the Yuma Indian reservation lying in Arizona.

Act, January 20, 1892 (27 Stat.L.420)

5. See important amendment to paragraph 3, supra, in paragraph 7, under "Colorado River".

Act, March 3, 1911 (36 Stat.L.1063)

6. "For reclamation and maintenance charge on Yuma allotments, \$40,000, reimbursable from sale of surplus lands, etc."

Act, June 20, 1913 (Public No.4,11)

7. Estimate for \$40,000 in pending Indian Bill, same as paragraph 6, supra.

STATISTICS AND DIGEST OF LEGISLATION  
RELATING TO PROJECTS  
CONSTRUCTED AND MAINTAINED  
FOR THE MOST PART  
FROM  
SPECIFIC GRATUITY APPROPRIATIONS.

PALAGORI, ARIZONA.

POPULATION ----- 5,000  
(San Xavier reservation) 69,189 Acres.

AREA OF RESERVATION -----  
Note: Most of the reservation live on the public domain  
outside the reservation, where about 3000 allotments  
have been made but not yet approved.

Allotted ----- 41,606

Unallotted ----- 27,583

VALUATION INDIVIDUAL INDIAN PROPERTY, 1912, ----- \$ 1,048,316.00

VALUATION, TRIBAL PROPERTY, 1912, ----- 83,099.00

Total ---- \$2,081,415.00

Amounts per capita, to, - 445.97

IRRIGATION DATA:

Estimated area of completed irrigation project, 3000 Acres.

(San Xavier) \$2155.87

Amount expended to June 30, 1913, (Nomadic Papagos, \$2902.52

Irrigated by Indians ----- (San Xavier) ---- 873 Acres.

Estimated value, irrigated land. ----- \$100 Per Acre.

Legislation.

1. Right of way granted to the Citrons Water Company to construct a ditch for conveying water across the Papago Indian reservation "for use in irrigating lands and supplying water to owners of land below: Provided that so long as said reservation shall continue for the use and occupation of said Indians, said Indians shall, free of cost, be supplied with water from said ditch or canal in such quantity and under such regulations as shall be prescribed by the Secretary of the Interior, and with reasonable compensation only, subject at all times to the control of Congress, shall be charged to & those supplied with water for use upon land held by the United States; the canal to be completed within two years from the date of approval of this Act. Act, Jan. 1, 1889 (25 Stat. 1,653)

2. Appropriation, \$5000, "for the development of a water supply for domestic and stock purposes and for irrigation for Nomadic Papago Indians in Pima County, Arizona."

Appropriation, \$5000, "to enable the Secretary of the Interior to make investigations of the conditions on the Papago Indian reservation in Arizona with a view to determining the feasibility of enlarging the irrigation system for the protection and irrigation of the Indian lands and the development of a water supply for

domestic and stock purposes." "The Secretary to report results of said investigation on the first Monday of December, 1912.  
Act, August 24, 1912, (37 Stat. L. 518)

3. Appropriation, \$5000, "for the development of a water supply for domestic and stock purposes and for irrigation for Nomadic Papago Indians in Pima County, Arizona". Act, June 30, 1917, (Public #4,9).

Items of \$50000 for development of water for irrigation and domestic purposes for Nomadic Papagoes, and \$50,000 for development of irrigation on the reservation and \$25,6000 for irrigation for Nomadic Papagoes are found in the estimates for the Indian Bill, 1915.

# NAVAHO INDIANS, ARIZONA AND NEW MEXICO.

POPULATION-----30,224

AREA OF RESERVATION -----12,189,997 Acres.

    Allotted -- 328,063

    Unallotted-11,861,934

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912, ---- \$ 7,835,119.00  
 (Most of their property consists  
 of sheep horses and cattle)

VALUATION, TRIBAL PROPERTY, 1912, ----- 20,187,151.00

(These Indians have practical-  
 ly no funds in the Treasury.

Total --- \$28,022,270.00

Their timber is valued at

\$7,500,000. The remainder of the

tribal property estimated is in lands.

Note: This does not take into consider-

ation the great coal properties of

these Indians estimated by the Geologi-

cal Survey at 16,700,000,000 tons with-

in 2000 feet of the surface. At this one

cent per ton, the value of this coal to

the tribe would be \$167,000,000.

AMOUNTS PER CAPITA, TO, ABOUT--\$934.00

(not including mineral

property which would

raise it to about -----\$5500.00

## IRRIGATION DATA:

Estimated cost of completed irrigation project, *Not known*

Estimated area of completed irrigation project, 25,000 Acres

Amount expended to June 30, 1912, ----- \$345,420.66

(This does not include about \$75,000

appropriated for water for irrigation,

and domestic and stock supply between

1884 and 1893)

Area irrigable from constructed works ----- 1710 Acres

Irrigated by Indians ----- 542 "

Estimated value, irrigated land ----- \$35 to \$200

Per acre.

## Legislation.

Navaho

1. Appropriation, \$40,000, for "civilization of the Navaho Indians including the construction of ditches, reservoirs and wells, the purchase of stock, pay of employes, and purchase of medicines", to be paid "from the funds now in the Treasury belonging to said Indians". Act, July 4, 1884 (23 Stat.L.76-90).



2. Appropriation, \$25,000, same purposes as noted paragraph 1, supra. Act, March 3, 1885 (23 Stat.L.362-378).
3. Appropriation, \$7500, "for expense of constructing ditches and reservoirs", to be taken from funds in the Treasury belonging to said Indians. Act, May 16, 1886, (24 Stat.L.29-42)
4. Appropriation, \$7500, same provision as noted paragraph 3, supra. Act, March 2, 1887 (24 Stat.L.449-452)
5. "For continuing the work of constructing ditches and reservoirs for the Navaho Indians" for purchase, maintenance and operation of saw mills and for purchase of nails to build houses, \$15,000, to be taken from said Indians' funds in the Treasury.  
Act, June 29, 1888 (25 Stat.L.217-231).
6. Appropriation, \$7500, "for construction of irrigation ditches on the Navaho reservation".  
Act, August 19, 1890 (26 Stat.L.336-351)
7. Appropriation, \$7500, for purposes of irrigation and purchase of saw mill.  
Act, March 3, 1891. (26 Stat.L.1005)
8. Appropriation, \$7500, same provision as paragraph 7, supra.  
Act, July 16, 1892 (27 Stat.L.125)
9. Appropriation, \$40,000, "for the construction of irrigating ditches, and the development of a water supply for agricultural, stock and domestic purposes, on the Navaho Indian Reservation, to be expended in the discretion of the Secretary of the Interior".  
Act, March 3, 1893 (27 Stat.L.627)
10. Appropriation, \$40,000, "to enable the Secretary of the Interior to purchase lands and water rights for the use of Navaho Indians who have lost title to their homes on the public domain in Arizona and New Mexico".  
Act, March 3, 1905 (35 Stat.L.787)
11. Appropriation, \$35,000, "for beginning the construction of the Ganado Irrigation project on the Navaho Indian Reservation in Arizona", the total cost of project not to exceed \$60,100.  
Act, August 24, 1912, (37 Stat.L.522)
12. Appropriation, \$25,100, the complete Ganado irrigation project, paragraph 11, supra.  
Act, June 30, 1913, (Public No.4,p.9)
13. Appropriation, \$15,000, "for the development of a water supply for the Navaho Indians".  
Act, June 30, 1913, (Public No.4,p.10)

14. An item of \$50,000, is made in estimates for pending Indian Bill for 1915, for same purpose as indicated in paragraph 13, supra. Note: It will be noted that appropriations for irrigation purposes for the Navaho Indians were made payable out of Indian funds in the Treasury beginning in the Act of July 4, 1884 (Paragraph 1, supra) until the Act of August 19, 1890 (Paragraph 6, supra). Since that date all specific appropriations have been gratuitous. A glance at the item in the statistical table above, showing cost of completed projects, will show also, that the greatest part of the expenditure for irrigation development among the Navaho has been from the general irrigation appropriations and not from specific appropriations.

# PIMA INDIANS, ARIZONA.

POPULATION ----- 3,996

AREA OF RESERVATION ----- 400,000 Acres.

Sacaton, ---- 48,000

Little Gila, -352,000

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912, ----- \$110,000.00

VALUATION, TRIBAL PROPERTY, 1912, ----- 2,396,249.17

Total ---- \$2,506,249.17

Amounts per capita, to, \$627.19

## IRRIGATION DATA:

Sacaton:

Estimated area of completed irrigation  
project -----

12,000 Acres.

Amount expended to June 30, 1912 -----

Little Gila:

Amount expended to June 30, 1912 -----

\$542,987.34

## Legislation.

1. "For ascertaining the feasibility, and estimating in detail the cost of the construction of a dam across the River at the (Buttes) for the purpose of erecting the Sacaton reservation, and for ascertaining the average daily flow of water in the River at that point, \$2000, or so much thereof as may be necessary, to be extended by the Director of the U.S. Geological Survey, who shall also ascertain and report upon the feasibility and cost of the Glean Creek project mentioned in Senate Document #27, 54th Congress, 2nd Session. Act, July 1, 1898, (30 Stat.L.594)

2. Authority granted to the Arizona Water Company "to erect, construct, maintain, and operate a water power plant at the place on the Indian reservation set apart for the Pima and Maricopa Indians by executive order dated June 14, 1879 in the County of Maricopa, Territory of Arizona, where the Arizona Canal, by means of a cross cut canal, drops a portion of the water back into the Salt River and therefore taken out of this dam and head gate." Authority also granted to said Company for the erection of and maintenance of necessary polls and wires for transmitting electricity, generated by such power plant across the reservation".

Act, February 12, 1901 (31 Stat.L.786)

3. Appropriation, \$50,000 to be expended under the direction of the Secretary of the Interior, "for the construction of an irrigation system for developing and furnishing a water supply for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton on the Gila River, Indian Reservation; the cost of the entire construction and installation not to exceed \$540,000; "provided that when said irrigation system is in successful operation and the Indians have become self supporting the cost of operating the said system shall be equally apportioned upon the lands irrigated and to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work within thirty years, suitable deduction being made for the amount received from disposal of lands, which now form a part of said reservation". Act, March 3, 1905, (33 Stat.L.1081).

4. Appropriation, \$250,000, under same provision of law as noted in Paragraph 3, supra. Act, June 21, 1906, (34 Stat.L.333).

5. The Secretary of the Interior may, in his discretion, use such part of the \$300,000 heretofore appropriated for an irrigation system for the Pima Indians in the payment of such Indians' proportionate part of the construction of the Salt River project, and such funds may be transferred to the reclamation fund, to be expended by that Service in accordance with its rules and regulations, the Indians to receive a credit upon the reclamation charge assessed against their lands under the Salt River project for the amount so transferred". Act, March 1, 1907, (34 Stat.L.1022).

6. Appropriation, \$75,000, "for continuing the work of constructing and irrigation system for the irrigation of the lands of the Pima Indians", the same, together with all moneys heretofore or hereafter to be transferred, to be repaid into the Treasury of the United States in accordance with provision of Section 10, Act of March 3, 1905. Provision also that the Secretary of the Interior shall transmit to Congress on the first Monday in December, 1910, and annually thereafter, report of all funds expended, the original estimate cost, etc. Act, April 4, 1910, (36 Stat.L.272)

7. Appropriation, \$125,000, "for continuing the work of constructing an irrigation system for the irrigation of the land to the Pima Indians in the vicinity of Sacaton. Act, March 3, 1911 (36 Stat. L.1062).

8. Appropriation, \$15,000, "for maintenance, including purchase of electricity for irrigation wells ~~already~~ already complete and the completion of the lateral irrigating ditches thereunder in connection with the irrigation of the lands of the Pima Indians in the vicinity of Sacaton: Provided, that the appropriation of the cost of the irrigation project on the Gila River Indian reservation heretofore and herein authorized to be paid from the public funds shall be paid into the Treasury of the United States as and when



funds may be available therefor; provided, further that in the event any allottee shall receive a patent in fee to an allotment of land irrigated under this project before the United States shall have been wholly reimbursed as herein provided, then the proportionate cost of the project to be apportioned equably by the Secretary of the Interior, shall become a first lien on said allotment, and the fact of such a lien shall be recited on the face of each patent in fee issued and the amount of the lien set forth therein, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall own the allotment; and a receipt of the Secretary of the Interior, or officer, agent or employee duly authorized by him for that purpose, for the payment of the amount assessed against in allotment as herein provided, shall, when duly recorded by the Recorder of Deeds in the County wherein land is located, operate as a satisfaction of such lien; provided that the Secretary of War be and, he hereby is, directed to convene a board of not less than three engineers of the Army of wide reputation and large experience to make the necessary examinations, borings and service for the purpose of determining the reasonability and practicability of constructing a dam and reservoir at or in the vicinity of the Box Canyon on the San Carlos Indian reservation, known as the site of the proposed San Carlos Reservoir on the Gila River, Arizona, and the necessary next irrigation works in connection therewith to provide for the irrigation of Indian, ~~private~~ private and public lands, in Gila River Valley". This board of engineers to report at as early a date as practicable to Congress, with recommendations, and the sum of \$15,000 appropriated for conducting said investigations. Act, Aug. 24, 1912, (37 Stat. L. 522).

\* 9. Appropriation, \$5000, "for maintenance, care and protection of machinery and irrigation wells already completed, in connection with the irrigation lands of the Pima Indians in the vicinity of Sacaton in Gila River reservation. " Act, June 30, 1913 (Public #4,9).

10. An item of \$10,000 in estimates for Indian bill, 1915.

NOTE: The supervision of the construction of laterals for the extension of this system was transferred from the Reclamation Service to the Indian Bureau in the winter of 1913.



FORT MOJAVE, ARIZONA.

POPULATION -----821

AREA OF RESERVATION----- 17,326 Acres.

Allotments now being made  
by Superintendent.

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(Including land) ----- \$ 386,208.00

AMOUNTS PER CAPITA, TO, \$ 470.41

IRRIGATION DATA:

Estimated cost of completed irrigation project -----	52,500.00
Estimated area of completed irrigation project -----	12,500 Acres.
Amount expended to June 30, 1913, -----	\$38,305.23
Area irrigable from constructed works ----	None
Irrigated by Indians -----	"
" " Whites -----	"
Estimated value, irrigated land -----	\$100 Per Acre.

LEGISLATION.

1. The appropriation of \$32,500 for the support of the Fort Mojave industrial school included "irrigation" of the school farm.  
Act, July 13, 1892, (27 Stat.L.142)
2. Appropriation, \$1600, for "one 80 horse power boiler for irrigation" at the Fort Mojave Indian School.  
Act, April 21, 1904, (33 Stat.L.212)
3. Appropriation, \$6000, "for power house and steam pumps", supra.  
Act, March 3, 1905 (33 Stat.L.1074)
4. Appropriation, \$25,000, "for constructing dike to protect allotments, on the Fort Mojave Indian reservation.  
Act, August 24, 1912, (37 Stat.L.518-523).
5. An item of \$5000 is carried in the estimates for 1915.

SOUTHERN UTES, COLORADO.

POPULATION ----- (Ignacio, 367  
(Navaho Springs, 493)

AREA OF RESERVATION, ----- 556,561 Acres.  
Allotted -----(Ignacio) 72,651  
Unallotted --(Navaho Springs) 483,910

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912, -----  
(Including funds in bank), ----- \$ 314,117.00

AMOUNTS PER CAPITA, TO, \$855.90

The allotted Indians at Ignacio share in the annual treaty benefits, known as the "Four per cent Ute fund" and also have their pro rata interest in the \$3,000,000 Ute judgment. They will also share in any subsequent judgments or benefits to the tribe growing out of treaty rights.

The Navaho Springs Utes have the same tribal interests as those of Ignacio. They are unallotted, however, and own their reservation in common.

IRRIGATION DATA:

Estimated cost of completed irrigation project	-----	\$1,500,000
Estimated area of completed irrigation project (Annual Report, 1912)	Ignacio, 44,000 Navaho Springs <u>12,000</u>	56,000 Acres
Amount expended to June 30, 1912,	( Ignacio, } ( Navaho Springs, }	<u>\$123,264.44</u>
Area irrigable from constructed works,	-----	4,000 Acres
	(Ignacio, 4000 (Navaho Springs, none	
Irrigated by Indians (Ignacio)	-----	300 "
" " Whites	-----	Not known.
Estimated value, irrigated land	-----	\$35 Per Acre.

Legislation.

1. Disapproval of former treaty with Southern Ute Indians and provision for "settling them down in severalty on the west forty miles of present reservation and in portions of New Mexico" and reservation of "the right of the Government \* \* \* \* to grant rights of way through the same for railroads, irrigation ditches", etc. Act, February 20, 1895, (28 Stat. 1,677-678)
2. Congress directed the Secretary of the Interior to confer with the owners of the Montezuma Valley Canal or any other parties

"for the purpose of securing by the Government water rights or for the supply of so much water, or both, as he may deem necessary for the irrigation of that part of the Montezuma Valley lying within the boundaries of the Southern Ute Indian Reservation in Colorado and "for the domestic use of the Indians thereon". The Secretary of the Interior to report to the following Congress the amount of water needed, the cost of the same, with his recommendations. (Act, June 7, 1897 (30 Stat.L.76)

3. The Secretary of the Interior authorized "to contract for and to expend from the funds of said Southern Utes in the purchase of perpetual water rights, sufficient to irrigate not exceeding ten thousand acres on the Western part of the Southern Ute Reservation, and for annual charges for maintenance of such water thereon, such amount and upon such terms and conditions as to him may seem just and reasonable, not exceeding \$150,000 for the purchase of such perpetual water rights, and not exceeding a maximum of fifty cents per acre per annum for the maintenance of water upon land irrigated". Act, July 1, 1898 (30 Stat.L.593)

4. The Act of July 1, 1898, supra, continued and amended slightly in phraseology. (Act, March 1, 1899, (30 Stat.L.941)

5. Secretary of the Interior authorized "under general regulations to be fixed by him, to permit the use of the right of way through the allotted land for the Southern Ute Indians of Colorado for irrigating ditches", "provided that no application for such right of way shall be granted unless accompanied by the consent, in writing, of the allottee or allottees whose land may be affected thereby. Also reenactment, Act, March 1, 1899, supra.

6. Reenactment of Act, supra. Act, March 3, 1905 (33 Stat.L.1080)

7. The Secretary of the Interior authorized to expend from the funds of the Southern Ute Indians in the Treasury of the United States sufficient moneys not exceeding \$150,000 to purchase a perpetual water right for the purpose of irrigating not less than 10,000 acres of land. Act, March 3, 1909 (35 Stat.L.788).

NOTE: Notwithstanding the provisions of law above cited for charging the cost of irrigation to funds of the Ute Indians in the Treasury, the expenditures for all irrigation work for these Indians have been made out of gratuity appropriations "Irrigation Indian Service".

*elsewhere*

*in the Montezuma valley*

TONQUE RIVER, MONTANA.

POPULATION ----- 1,390

AREA OF RESERVATION ----- 489,500 Acres.

Allotted ----- None

Unallotted ---- 489,500

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,

(including funds in bank) ----- \$ 558,576.00

VALUATION, TRIBAL PROPERTY, 1912,

(including tribal funds in treasury

and timber resources) ----- 3,354,823.48

Total --\$3,913,399.48

AMOUNT PER CAPITA, TO \$2,799.28

IRRIGATION DATA:

Amount expended to June 30, 1912, ----- \$132,043.38

Total acreage susceptible of irrigation, 10,118

Unallotted, ---- 9,988

School land, --- 130

Acreage now under projects under way, ----- 1,000

Unallotted, ---- 900

School land, --- 100

Acreage under projects contemplated, but not  
under way ----- 2,200

Unallotted ---- 2,100

School land, --- 100

Total acreage irrigated, June 30, 1912, (unallotted), 500

Legislation.

1. Appropriation, \$40,000, "for an irrigation system on the Tongue River Reservation".

Act, March 1, 1907, (34 Stat.L.1035)



PYRAMID LAKE, NEVADA.

POPULATION ..... 651

AREA OF RESERVATION ----- 322,000 Acres.

Allotted, -----None

Unallotted, -----322,000

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,----- \$ 17,175.00

VALUATION TRIBAL PROPERTY, 1912,	643,085.75
(including \$4085.75 tribal funds in treasury)	

Total --- \$660,260.75

Amounts per capita, to, \$1,080.62

## IRRIGATION DATA:

Estimated cost of completed irrigation  
project -----

Not known

Estimated area of completed irrigation project -----

Amount expended to June 30, 1912.

\$39,824.09

1.000 "

Irrigated by Indians

1.000

Agreed by Indian  
" " Whites

None.

Estimated value, irrigated land

\$100 Per Acre.

## Legislation.

1. In carrying out the provisions of the Reclamation Act of June 17, 1902, in connection with "the reclamation of all or any portion of the irrigable lands on the Pyramid Lake Indian Reservation, Nevada, the Secretary of the Interior is hereby authorized to reclaim, utilize and dispose of any lands in said reservation, which may be irrigable by small works in like manner as though the same were a part of the public domain; provided, that there shall be reserved for and allotted to each of the Indians belonging on the said Reservation, five acres of the irrigable lands. The remainder of the lands irrigable in said Reservation shall be disposed of to settlers under the provisions of the Reclamation Act. The Indians to receive such sum per acre as in the opinion of the Secretary of the Interior shall fully represent the value of the unallotted lands before reclamation. After paying the charges for the reclamation of said allotted lands, the remainder to be placed to the credit of the Indians and expended under the direction of the Secretary of the Interior for their benefit.

Act, April 21, 1904 (33 Stat.L.224)



PYRAMID LAKE, NEVADA.

POPULATION ..... 641

AREA OF RESERVATION ----- 322,000 Acres.

Allocated, -----None

Unallotted.-----322,000

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,----- \$ 17,175.00

VALUATION TRIBAL PROPERTY, 1912, 643,085.75

(including \$4085.75 tribal funds in treasury)

Total --- \$660,260.75

Amounts per capita, to, \$1,080.62

## IRRIGATION DATA:

Estimated cost of completed irrigation

project

Not known

Estimated area of completed irrigation

project

\$39,824.09

Amount expended to June 30, 1912, -----

1.000

Area irrigable from constructed works, -----

1,000

Irrigated by Indians .....

None.

" Whites

Estimated value, irrigated land -----

\$100 Per Acre.

Legislation.

1. In carrying out the provisions of the Reclamation Act of June 17, 1902, in connection with "the reclamation of all or any portion of the irrigable lands on the Pyramid Lake Indian Reservation, Nevada, the Secretary of the Interior is hereby authorized to reclaim, utilize and dispose of any lands in said reservation, which may be irrigable by snail works in like manner as though the same were a part of the public domain; provided, that there shall be reserved for and allot to each of the Indians belonging on the said Reservation, five acres of the irrigable lands. The remainder of the lands irrigable in said Reservation shall be disposed of to settlers under the provisions of the Reclamation Act. The Indians to receive such sum per acre as in the opinion of the Secretary of the Interior shall fully represent the value of the unallotted lands before reclamation. After paying the charges for the reclamation of said allotted lands, the remainder to be placed to the credit of the Indians and expended under the direction of the Secretary of the Interior for their benefit.

Act, April 21, 1904 (33 Stat.L.224)

NOTE: The expenditure for irrigation noted in the accompanying table was out of gratuity appropriations "Irrigation Indian Service." The Reclamation Service has not yet completed the Carson-Truckee project so as to make irrigable the Indian lands, the irrigation of which was provided for in the above Act.

WALKER RIVER, NEVADA.

POPULATION -----	450
AREA OF RESERVATION -----	50,509
Allotted -----	9,983
Unallotted -----	<u>40,526</u>
VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912, (including funds in bank) -----	\$ 320,054.90
VALUATION, TRIBAL PROPERTY, 1912, -----	<u>39,015.00</u>
<del>including certain lands in the reservation</del>	
<del>and other reservation property</del>	
TOTAL -	\$ 359,069.00
AMOUNTS PER CAPITA, EO, \$795.71	

IRRIGATION DATA:

Amount expended to June 30, 1912, -----	\$ 76,026.28
Total acreage susceptible of irrigation, (allotted)-----	5,500
Acreage now under projects under way, (allotted)-----	4,500
Total acreage irrigated, June 30, 1912, (allotted)-----	840

Legislation.

1. The Secretary of the Interior is "directed to allot, on the land, on the Walker River Reservation in Nevada, susceptible of irrigation by the present ditches or extensions thereon, twenty acres to each head of a family residing on said Reservation, the remainder of such irrigable land to be allotted to such Indians on said Reservation as the Secretary of the Interior may designate, not exceeding twenty acres each; and when a majority of the heads of families on said Reservation shall have accepted such allotments and consented to the relinquishment of the right of occupancy to land on said Reservation, which cannot be irrigated from existing ditches and extensions thereof, and land which is not necessary for dwellings, school buildings or habitations for the members of said tribe, such allottees, who are heads of families shall receive the sum of \$300 each to accept them and commence the business of agriculture, to be paid in such manner and at such times as may be agreed upon between such allottees and the Secretary of the Interior.

Act, May 27, 1902, (32 Stat.L.260)

NOTE: There is an item in the estimates for 1915, "Irrigation Indian Service" for making surveys on the Walker River Reservation.

PINER SCHOOL, S. DUT. DAKOTA.

AREA OF RESERVATION, -----220 Acres.

IRRIGATION DATA:

Estimated cost of completed irrigation project,	\$25,000.00
Estimated area of " "	150 Acres
Amount expended to June 30, 1913, -----	\$23,301.35
Area irrigated from constructed works -----	100 Acres
Irrigated by Indians -----	40 "
" Whites -----	None.
Estimated value, irrigated land -----	\$150 Per Acre.

Legislation.

1. Appropriation, \$10,000, for "artesian well, water system and irrigation plant".  
Act, June 21, 1906, (34 Stat. L. 370)
2. Appropriation, \$5000 "for completing irrigation plant".  
Act, March 1, 1907, (34 Stat. L. 1047)
3. Act, March 1, 1907; supra, modified so as to make appropriation available in completing work on artesian well.  
Act, Feb. 15, 1908, (35 Stat. L. 8)
4. Appropriation, \$17,000, to complete irrigation plant.  
Act, March 3, 1911 (36 Stat. L. 1071)
5. Appropriation, \$4000, to "be used in the construction and maintenance of an irrigation system for the use of said school".  
Act, August 24, 1912, (37 Stat. L. 536)

COLVILLE, WASHINGTON.

POPULATION ----- 2,261

AREA OF RESERVATION(Annual Rept., '12)1,546,662 Acres.  
Allotted ----- 51,653  
Unallotted ----1,297,009

VALUATION INDIVIDUAL INDIANS' PROPERTY, 1912,  
(Including funds in bank, \$606,141) ----- \$ 4,381,893.00

VALUATION, TRIBAL PROPERTY, 1912,  
(Lands exclusive of timber, \$12,372,000  
Timber, 4,213,272  
Funds in Treasury, 783,904.36      17,369,176.36  
Total ---- \$21,751,069.36

Amounts Per Capita To-- \$      9,775.00

TOTAL ACREAGE SUSCEPTIBLE OF IRRIGATION: ----- 30,520  
Allotted ---- 16,960  
Unallotted--- 13,500  
Agency land-- 60

TOTAL AMOUNT EXPENDED TO JUNE 30, 1913, IN PRELIMINARY  
INVESTIGATIONS ----- \$2,488.45

ACREAGE UNDER PROJECTS CONTEMPLATED, BUT NOT UNDER WAY,      4,500.  
Allotted ----- 1,000  
Unallotted --- 3,500

TOTAL ACREAGE IRRIGATED, JUNE 30, 1912, ----- 2,505  
Allotted, ---- 1,800  
Unallotted, --- 705

Legislation.

1. "That the Indians living along and near the Colville River in Stevens County, State of Washington, to whom trust patents have been issued, containing restrictions upon alienation, may sell and convey for drainage purposes, so much of said allotments as may be necessary for right of way for drainage canals", subject to the approval of the Secretary of the Interior. Act, April 21, 1904, (33 Stat.L.219)
2. Act to authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation - See especially Sec.12, providing that lands in the diminished Colville Reservation,



which can be included in any feasible irrigation project under the Reclamation Act of June Seventeen, 1902, may be disposed of under the latter Act, the charges provided therein to be in addition to the appraised value of said lands, etc.

Act, March 22, 1906, (34 Stat.L.80)

NOTE: The estimates in the pending Indian bill for 1915 contemplate the expenditure of \$5000 for preliminary surveys on the Reservation. Why are gratuity expenditures for Indians worth \$9,775 per capita?

STATISTICS AND DIGEST OF LEGISLATION  
RELATING TO PROJECTS  
CONSTRUCTED AND MAINTAINED  
FOR THE MOST PART  
FROM  
GENERAL GRATUITY APPROPRIATIONS.

EXPENDITURES FROM GENERAL IRRIGATION REPRO-  
RIATIONS, UP TO JUNE 30, 1912,  
(NOT INCLUDED ELSEWHERE).

\*\* (in Engineer's report, June 30, 1913)

\*\* " " " " " "

ARIZONA:

Camp McDowell, -----	\$ 19,580.75
Camp Verde, -----	750.00
Fort Apache, -----	6,204.70
Havasupai, -----	3,339.61
Kaibab, -----	5,073.02
Leupp, -----	6,808.76
Keams Canyon, -----	5,567.30
Rice Station, -----	7,855.77
San Carlos, -----	65,218.01
Truxton Canyon, -----	15,332.52

COLORADO:

Fort Lewis, -----	522.69
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IDAHO:

Fort Lapwai, -----	3,461.75
Lenhi, -----	2,268.25

MONTANA:

Fort Shaw, -----	2,769.31
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NEVADA:

Carson School, -----	1,011.95
Fort McDermitt, -----	1,826.82
Lovelocks, -----	116.92
Moapa River, -----	3,309.35
Western Shoshone, -----	31,019.01

NEW MEXICO:

Albuquerque, -----	4,818.08
Jicarilla, -----	10,501.22
Mescalero, -----	1,099.56
Pueblos, -----	59,001.81
San Juan, -----	7,112.23
* " " (Hogback), -----	167,315.09
Santa Fe Schools, -----	3,422.74
** Zuni, -----	518,122.87

OREGON:

Warm Springs, -----	200.00
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SOUTH DAKOTA:

Pine Ridge, -----	38,231.59
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UTAH:

Shivwits, -----	99.98
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Administration; special invest

ments, etc.

34, 024.77

CALIFORNIA RESERVATIONS.

Reservation : or School :	Popula- tion :	Area of res- ervation; acres: Unallotted.	Total individual: Indians' & trib- al property val- uations.	Per capita amount.	Estimated cost completed irri- gation project;	Estimated area com- pleted ir- rigation pro- ject; (acres)	Amount ex- pended to June 30, 1913.	Area irri- gable from: construct- ed works. (acres)	Irrigated by Indians (acres)	Total acre- age suscep- tible of irrigation.
<b>CAMPO: (Cuy-</b>										
apiapa, Laguna,										
La Posta &										
Manzanita.										
	246	29,399	\$ 108,980.00	\$ 443.01			\$1,506.39		50	1,383
<b>MALKI:</b>										
Martinez,										
(Torres),--										
	273	22,080	542,611.00	1,987.59			10,256.13		380	2,791
Cabazon,--										
	57	1,280	288,304.00	4,707.09			12,104.75			
Morongo,--										
	258	11,069	139,850.00	543.05		1,300	53,781.08	700		
Mission Creek.										
	6	1,920	45,525.00	7,587.50	\$8,930.00	130	419.78			
Agua Caliente										
(Palm Springs--										
& Garden of										
Eden),-----										
	37	7,205	71,836.50	1,941.53			10,347.86	50	30	
San Manuel,--										
	66	653	4,700.00	71.21		6	1,432.80		6	
Twenty Nine										
Palms,-----										
	58	480	70.00	1.21			60.57			
Augustine,--										
	20	616	45,725.00	2,286.25			2,477.31			
<b>FT. BIDWELL,--</b>										
	628	19,570*	537,595.00	856.04					200	19,200
<b>PALA,-----</b>										
	192	4,490*	137,683.75	717.10			31,153.65		692	1,846
La Jolla,-----										
	250	8,320	32,705.00	130.82		300	8,182.50			
Palma,-----										
	52	230	17,804.25	342.39			85.31			
Rincon,-----										
	144	2,554	47,781.61	331.82	35,000.00		12,515.95			
<b>PECHANGA,-----</b>										
	215	5,195*	16,769.00	78.00			4,732.32			230
<b>SABORA,-----</b>										
	141	5,461	92,862.00	708.24			25,367.84		400	1,649
Cahuilla,-----										
	150	18,880	91,305.00	608.70			100.00			
Santa Rosa,--										
	73	2,560	31,807.50	435.72	4,045.00	90	1,579.43			
Santa Ynez,--										
	64	120	15,840.00	247.50			2,997.88		80	
<b>TULE RIVER,--</b>										
	153	48,551	263,255.52	1,720.63					65	100
<b>VOLCAN:</b>										
Sycuan,-----										
	38	640*					\$2,308.85			
Mesa Grande,										
& Santa Ysabel										
Nos. 1, 2 and 3,--										
	550	15,042					3,149.46			
Inaja,-----										
	32	780					4.76			
Capitan Grande, 135										
	135	15,080					5,501.67			
For all ----										
			66,130.00	75.15						

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### Irrigation, Indian Reservations.

1. \$50,000, "for the purpose of constructing irrigating ditches on Indian Reservations, and instructing Indians in farming in connection therewith".  
Act, July 4, 1884 (23 Stat.L.94)
2. \$30,000, "for the construction, purchase and use of irrigating machinery and appliances in Arizona, Montana and Nevada for the use of Indian reservations, in the discretion of the Secretary of the Interior and subject to his control".  
Act, March 3, 1891, (26 Stat.L.1611)
3. \$40,000, "for the construction, purchase, and use of irrigating machinery and appliances, on Indian reservations, in the discretion of the Secretary of the Interior", etc.  
Act, July 13, 1892, (27 Stat.L.137)
4. \$40,000, "for the construction, etc" (same as paragraph 3, supra), provision being made for one artesian well at each of the following places: Rosabul, Standing Rock and Pine Ridge, neither well to cost more than \$5000.  
Act, March 3, 1893 (27 Stat.L.631)
5. \$50,000, "for construction, etc." (same as paragraph 3, supra.)  
Act, August 15, 1894 (28 Stat.L.305)
6. \$50,000, (Same as paragraph 3, supra).  
Act, March 2, 1895, (28 Stat.L.900).
7. \$30,000, Same as paragraph 3, supra, with the following proviso: "Of this amount, not exceeding \$2700, may be used for the temporary employment of persons of practical experience in irrigation work at a compensation not to exceed \$75 per month each, and not exceeding \$1500 for necessary traveling and incidental expenses of such persons."  
Act, June 10, 1896 (29 Stat.L.341).
8. \$30,000, same as paragraph 7, supra, except that the persons employed in irrigation work may have "compensation not to exceed \$100 per month each".  
Act, June 7, 1897 (30 Stat.L.85)
9. \$40,000, "for construction of ditches and reservoirs, purchase and use of irrigation tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control".  
Act, July 1, 1898, (30 Stat.L.591)
10. \$40,000, same as paragraph 9, supra.  
Act, March 1, 1899, (30 Stat.L.9400).



11. \$50,000, same as paragraph 9, supra, with the following proviso: "The Secretary of the Interior may employ superintendents of irrigation who shall be skilled irrigation engineers, not to exceed two, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner; and also one clerk in the Office of Indian Affairs, at a salary of \$1000 per annum".

Act, May 31, 1900, (31 Stat.L.1339).

12. \$100,000, "for construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations", etc., same as paragraph 11, supra.

Act, March 3, 1901 (31 Stat.L.1076).

13. "For pay of eight Indian inspectors, one of whom shall be an engineer, competent in the location, construction and maintenance of irrigation works, at \$2500 per annum each.

Act, March 3, 1901. (31 Stat.L.1060).

14. Same as paragraph 13, supra.

Act, May 27, 1902, (~~Stat.L.247~~) (32 Stat.L.247)

15. \$150,000, same as paragraph 12, supra.

Act, May 27, 1902, (~~Stat.L.261~~) (32 Stat.L.261)

16. Same as paragraph 13, supra.

Act, March 3, 1903, (32 Stat.L.983).

17. \$150,000, same as paragraph 12, supra, except the number of skilled engineers to be employed, shall "not exceed four".

Act, March 3, 1903 (32 Stat.L.997).

18. Same as paragraph 13, supra.

Act, April 21, 1904, (33 Stat.L.191).

19. \$185,000, of which \$35,000 to be "immediately available", same as paragraph 13, supra, except the following: "Provided, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed four, as in his judgment may be necessary, to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner".

Act, April 21, 1904, (33 Stat.L.206).

20. "For pay of eight Indian inspectors, two of whom shall be engineers, one to be designated as chief, competent in the location, construction, and maintenance of irrigation works, at two thousand five hundred dollars per annum each, except the chief engineer, who shall receive three thousand five hundred dollars,

28. \$200,000, "For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and water rights, including lands necessary for canals, pipe lines, and reservoirs, for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, in the discretion of the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior and subject to his control, two hundred thousand dollars, to be immediately available and to remain available until expended: Provided, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of Irrigation, who shall be skilled irrigation engineers, not to exceed five, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner."

29. For pay of two Indian inspectors who shall be engineers, one to be designated as chief, competent in the location, construction and maintenance of irrigation works; one at \$2500 per annum and one at \$3500 per annum".

Act, March 3, 1909, (35 Stat.L.782).

30. \$249,400, "For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, two hundred and forty-nine thousand one hundred dollars, of which twenty-five thousand dollars shall be immediately available, and the balance of the appropriation shall remain available until expended: Provided, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this Act or for which public funds are or may be available under any other Act of Congress, and hereafter no new irrigation project on any Indian reservation, allotments, or lands, shall be undertaken until it shall have been estimated for and a maximum limit of cost ascertained from surveys, plans, and reports submitted by the chief irrigation engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, and such limit of cost shall in no case be exceeded without express authorization of Congress, and hereafter no new project to cost in the aggregate to exceed thirty-five thousand dollars shall be undertaken on any Indian reservation or allotment without specific authority of Congress; and the Secretary of the Interior shall transmit to Congress on the first Monday in December, nineteen hundred and ten, a statement, by systems or projects, showing the original estimated cost, the present estimated cost, and the total amount of all moneys, from whatever source derived, expended thereon for construction, ex-

tension, repair, or maintenance, of each irrigation system or reclamation project on Indian reservations, allotments or lands to and including June thirtieth, nineteen hundred and ten; and annually thereafter the Secretary of the Interior shall transmit to Congress a cost account of all moneys, from whatever source derived, expended on each such irrigation project for the preceding fiscal year: Provided further, That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service: for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, four thousand dollars; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, two thousand five hundred dollars; for traveling expenses of two inspectors of irrigation, at three dollars per diem when actually employed on duty in the field, exclusive of transportation and sleeping car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiations, inspection and investigation, including telegraphing and expense of going to and from the seat of government, and while remaining there under orders, four thousand two hundred dollars: Provided, That the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed seven in number."

Act, April 4, 1910 (36 Stat.L.270).

§1. \$314,500. "For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, three hundred and fourteen thousand three hundred dollars, to remain available until expended: Provided, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which specific appropriation is made in this Act or for which public funds are or may be available under any other Act of Congress: Provided further, That nothing herein contained shall be construed to prohibit reasonable expenditures from this appropriation for preliminary surveys and investigations to determine the feasibility and

estimated cost of new projects, for investigations and surveys for power and reservoir sites on Indian reservations in accordance with the provisions of section thirteen of the Act of June twenty-fifth, nineteen hundred and ten, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service; for pay of one chief inspector of irrigation, who shall be a skilled irrigation engineer, four thousand dollars; one assistant inspector of irrigation, who shall be a skilled irrigation engineer, two thousand five hundred dollars; for traveling expenses of two inspectors of irrigation, at three dollars per diem when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expense of going to and from the seat of government and while remaining there under orders, four thousand two hundred dollars; in all, three hundred and twenty-five thousand dollars: Provided also, That not to exceed seven superintendents of irrigation, who shall be skilled irrigation engineers, shall be employed."

Act, March 3, 1911, (36 Stat.L.1058)

32. \$325,000, same as Paragraph 31, supra.

Act, August 24, 1912, (37 Stat.L.519)

33. \$335,000, same as Paragraph 31,

Act, June 30, 1913, (Public #4, 1).

34. \$345,700, item in estimates, pending Indian Bill for 1915.

Same provisions as in Paragraph 31, supra, except provision for the employment of an examiner in addition to the district superintendents of irrigation.



DRAFT OF PROPOSED  
LEGISLATION.



That, The proportionate cost of all projects, including cost of construction and maintenance, heretofore commenced or completed or hereafter constructed for the irrigation of Indian lands whether paid for out of gratuity appropriations made by Congress or from direct or reimbursable appropriations from tribal funds in the Treasury of the United States shall be apportioned equitably by projects on the basis of the cost per acre by the Secretary of the Interior and the cost thus determined shall become a charge against the land under said projects from the date of said apportionment of cost by the Secretary of the Interior whether said land is allotted or unallotted and whether held under trust patent in the name of individual allottees or held in common by the tribe. This charge shall become a first lien on such land and the fact of such lien shall be recited on the face of each trust patent or patent in fee hereafter issued for any allotment benefited by such irrigation project and the amount of the lien set forth thereon, which said lien, however, shall not be enforced so long as the original allottee or his heirs shall actually occupy the allotment and the receipt of the Secretary of the Interior or of the officer, agent or employee duly authorized by him for that purpose for the payment of the amount assessed against any allotment as herein provided

shall, when duly recorded by the Recorder of Deeds in the County wherein the land is located, operate as a satisfaction of such lien; and, in the case of projects heretofore or hereafter constructed in whole or in part from tribal funds, the Secretary is authorized to reimburse said tribal funds, the amount of the irrigation costs thus charged from the pro rata shares in the tribal funds expended on such project when distributed, to which the owners of the land benefited are entitled, for the payment of such owners' respective portions of said costs; and if such pro rata shares of the individual allottees are not sufficient to cover their pro rata portion of the costs of irrigation assessed against their land, then the difference between the said irrigation costs and their respective pro rata shares in the tribal fund shall become a first lien against their land subject to the conditions hereinbefore provided; and when said land shall pass from Indian ownership the amount of said lien shall be reimbursed to the tribal fund from the proceeds of the sale of the land in accordance with regulations to be prescribed by the Secretary of the Interior; in the case of projects constructed in whole or in part from gratuity appropriations made by Congress the irrigation costs assessed against the land as herein provided shall be reimbursed to the Government when the land passes from Indian ownership, said costs to be and remain a first lien against said land until paid in accordance with rules

and regulations to be prescribed by the Secretary of the Interior. Provided that the Secretary of the Interior, on or before July 1, 1914, shall establish a uniform system of cost keeping in connection with the maintenance of all projects for the irrigation of Indian lands and that after that date all charges of maintenance and operation shall be apportioned equally by projects, among the lands under the various projects whether beneficial use of the same is made or not, said costs to be paid in accordance with rules and regulations to be prescribed by said Secretary of the Interior, the same, unless paid in accordance with said rules and regulations to become a charge and lien against said land as hereinbefore provided. Provided further that no new irrigation project to be paid for from Indian funds shall be authorized by Congress until the Indians, whose funds it is proposed to use for such purposes shall have been consulted and they shall have been given an opportunity to express in writing their views thereon either through their duly authorized business committee or through a general council or meeting of <sup>said</sup> ~~these~~ *Indians* interested. Provided further that the Secretary of the Interior shall permit, under rules and regulations to be prescribed by him, the individual Indians, whose land is under said projects, to express in writing their views with respect to the cost of maintenance and operation of said projects prior to the final determination and assessing of the same by him against their <sup>lands.</sup> ~~their~~

~~Section~~

Provided that no part of the appropriations heretofore or hereafter made for the pay of salaries and incidental expenses of the chief inspector of irrigation and assistant inspector of irrigation and superintendents of irrigation in the Indian Service or for other engineers or employees engaged in the work of investigation or general supervision in connection with the irrigation of Indian lands, shall be included as a part of the cost to be appropriated and assessed as heretofore provided against Indian land under irrigation projects; and, Provided, further, That nothing herein contained shall be construed to prohibit reasonable expenditures from any available appropriation for the irrigation of Indian lands for preliminary surveys and investigations to determine the feasibility and estimated cost of new projects; for investigations and surveys for power and reservoir sites on Indian reservoirs in accordance with the provisions of Section 12 of the Act of June 24, 1910, or to prevent the Bureau of Indian Affairs from having the benefit of consultation with engineers in other branches of the public service or carrying out existing agreements with the Reclamation Service.

25



PLAN FOR THE ULTIMATE CARE  
of the  
FULL-BLOOD OKLAHOMA INDIAN

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1. Formation of a Society - Nation wide - for the protection of the full-blood Oklahoma Indian. Said Society to be given in trust by the National Government certain unsold tribal lands in the Counties of DeFlore, Pushmataha and McCurtain, Oklahoma, amounting to 100,000 acres, for the purpose of maintaining and caring for all pauper full-blood Indians belonging to what was known as the 'Five Civilized Tribes'.
2. That said Trustee be given the power to rent, sell and alienate any parts or parcels of said land that shall be brought into cultivation, the proceeds to be used to form an endowment fund for the maintenance of said Indians. Said endowment fund to be kept invested, and only the interest and profits derived therefrom, to be used for maintenance purposes.
3. That said Society or Trustee be made guardian of the person and property or property rights of all inmates.
4. That the right be given the trustee to cut down, and clear of its timber such land as may be converted into fields and farms, highways, roads and trails within the boundaries of said land, and the trees so cut down be sawn into lumber, cut into railroad ties, or made into such things as may be practical and the net proceeds to be placed into said endowment fund.
5. That said trustee shall have the right to erect saw-mills, flour mills and all other shops and mills, for the manufacture of the raw products formed or raised on the said land, and that all of the net profits, together with the profits that may accrue from the mills, shops and factories, in manufacturing articles and things grown, raised or formed in the neighborhood, shall be placed in the endowment fund.
6. Owing to the character of the land to be secured, the small amount capable of cultivation, stock raising must be the principal industry. The mountainous and scrubby timbered areas, are ideal for sheep and good raising, while the narrow valleys, with their rapid streamlets makes pasture for the raising of sturdy horses, cattle and swine. The full-blood Indian makes a good herdsman, and a fairly good shepherd. Thus the cost of



handling large herds and flocks can be made very low.

7. That the Institution be built on the "Cottage System" and that conforming to Indian ideas and customs, the cottages be built as far apart and as isolated as possible, and that each be rough in construction, rude in furnishings, and to consist of two rooms such as are now used for families of four or five Indians.
8. That a hospital be erected and maintained for the care of the sick and injured inmates. That a custodial building or group of cottages be provided for all superannuated inmates of either sex, and a custodial building be provided for the care and education of orphan and dependent children. That a proper building be devoted to the care of the insane.
9. The purpose of said institution is to allow the pauper full-blood Indian to live and die in peace - to surround him with conditions in accord with his wants and ideas as it is possible to do so.
10. Because the institution is intended for fullblood Indians of the several Five Civilized Tribes, and because the land named above is now held in the name of the Choctaw and Chickasaw tribes, it seems but just that the Cherokees, Creeks and Seminoles contribute to the first cost of establishing it. It is understood that owing to mistakes in names, and in cases of detected fraud in enrollment there is quite a large sum of money now in the hands of the Government that might be used without in anyway diminishing any of the amounts now intended to be used in the so-called equalization payments to the Creeks and Cherokees. It will require an outlay of at least \$50,000. to be used in building and buying equipment for mills, shops and factories - also for wages until some of the first products are sold.
11. The Government can formulate any rules or measures it sees fit for safeguarding the expenditure of money and the use, or alienation of the land.

Hon. Frank H. Abbott,

Washington, D.C.

Dear Sir:-

Acting on your suggestion made in the course of our conversation May 29th, I am submitting to you a general plan for solving the rapidly approaching last problem connected with the Indian situation in Oklahoma. I may be accused of extreme pessimism when I declare that the Federal Government has placed itself outside the power to protect the Indian in the future, and it has signally failed to protect when it had the power.

Oklahoma contains about one third of the Indian population of the United States. The Five Civilized Tribes were induced to enter into treaties with the Dawes Commission whereby they agreed to surrender their old tribal rights, and to accept in lieu a distribution of their lands to be held by individuals in severalty. In spite of much Congressional legislation intended to protect or to give the individuals more freedom to manage their own affairs, the result has been that fully two thirds of the adult Indians surplus allotments have already passed into the hands of the white man. Nor has this been effected without a perfect carnival of graft, robbery and pillage accompanied by a perfect revel in all manner of crimes from murder down to forgery and perjury. I do not believe that over 2% of the land alienations have been accomplished without some element of crime or fraud entering therein. The stage setting for the last act of the drama is now being prepared. However the show will not proceed to the finale until the Government consents to distribute the many millions of dollars now being held in trust for the Indians. When this money is paid over, the grafters will make short work of securing possession of the remaining lands now held by the flood blood Indians, and the estates of the minor Indian children. Owing to the activity of the State Department of Charities and corrections, almost a complete halt was made in the exploiting of the children's lands, but the Fourth Legislature saw fit to utterly wreck this Department, so that this protection to minor Indian children is now altogether withdrawn, and there is apparently nothing to prevent wholesale looting of all Indian property the moment the signal is given.

The common people of the State are dazed and helpless. The situation reminds one of the days preceding the Civil War, when a small but determined gang of men overawed the people and secured the secession of most of the southern states. Congress was then well filled by representatives of this gang and the common people were cajoled, bullied and coerced into thinking it was patriotism to follow the lead of the Nation wreckers. "This is a White Man's country" is already being urged as an excuse for the crimes of the past, and will be the apology for the crimes to come. It is my deliberate judgment that within the next ten years practically all of the full blood land will be in the possession of the white man.

Because of this the question must be raised what is to become of the full blood Indian after he parts with his land? There are racial characteristics which will prevent him from earning a living. He is already nearly pauperized. He has already parted with his surplus allotments and in most cases he is now living on the small advances made by crafty men, who will seek repayment when the Indian money is distributed. At the present moment 2/3 of the full blood Indians would starve were it not for his expectancy of a share in the trust funds now in the hands of the Federal Government. This distribution will be made. Nothing can prevent it. The only question is, "When?" The grafters yell in concerted chorus "Soon". If the present plans are rushed through Congress it will be soon. Then what? Thousands of full blood Indians, individuals and families will be pauper charges in the communities in which they dwell. Forestalling state assistance we have a law now that places the responsibility of caring for the pauper and unfortunate classes on the counties in which they reside. Nearly all of these pauperized Indians reside in practically fifteen counties. The counties are newly formed and poor. They cannot assume the burden of supporting the full-blood Indians living within their borders. The State can hide behind its law and the Federal Government may not be properly asked to deal with a pauper question within a sovereign state. This is the situation.

#### A TENTATIVE PLAN

There are now within the confines of LeFlore, Puskimatalia and McCurtain, certain vast tracts of wild, rough and broken lands, belonging to the Chickasaw and Choctaw Indians. These lands have been repeatedly advertized for sale, but on account of its character - mountainous, lack of arable land, absence of pine forests, scattered hardwood forests containing very little dimension timber, these lands appraised at about \$1 per acre are still unsold. Scattered all over this wild area are hundreds of 4) acre homesteads - the full blood in choosing them made his last retreat to places near running brooks scrubby timber and so rough and wild that it may be years before the white man will desire to settle there.

I believe that a tract of 100,000 or more acres should be set aside for the purpose of colonizing thereon the pauperized Indians of all the Five Civilized Tribes. Except the two tribes mentioned, none of the others have large tracts of unsold land, but there are scattering tracts and parcels of land, reverted town lots which could be sold and the proceeds used for forming a fund to be used for maintenance purposes.

In the tract named for the colony, or refuge, of these pauperized Indians, are many narrow valleys along the rivers and streamlets, and small arable fields or farms could be made by clearing off the timber. The living wants of a fullblood Indian are not great - simply meat and meal - which could be issued as rations for those who would occupy huts or cottages such as they would now select in preference to better housing and more expensive food, required by the white race. I know of no tract of country better suited for raising hogs, sheep, and cattle. I cannot even guess how many acres of land could be brought into cultivation so as to produce corn and grain, but I have hunted all over this country, and do know that in such a tract I have indicated there would be three or four thousand acres of fertile corn land, and this would be sufficient to maintain in meal,

several thousand of Indians. Probably forty thousand acres is suitable for hog, sheep and cattle ranges. There is now, and will probably continue to be good fishing in the streams. The Indian is a fairly good fisherman and hunter. He also makes a good herdsman, but the raising of crops is not and can never be his forte. Nor can he be developed into a woodsman. To make such a colony or refuge as I suggest self supporting and successful there must be a great deal of work done by whitemen, or people other than Indians, consequently if such a tract as I suggest be secured, it should be upon the basis that certain tracts or farms can be rented or sold, the proceeds going to form a permanent endowment fund, the interest to be used to pay for necessary white help on the farms and mills to be worked.

My idea is to form some kind of nation wide society, which will act as Trustee to carry out the plan. Perhaps some of the societies now in existence could be used for this purpose. However, the Trustees should have the power to rent or sell small farms as might be developed. To have the right to fell timber and convert same into lumber, railroad ties, etc., and sell such products not needed for the colony building. I may say, with apology for consuming space, that pine lumber now costs f.o.b. in that country, \$11.00 per 1,000; while dimension hardwood lumber sells f.o.b. for \$22.00. For building purposes pine lumber is better and this difference of price would net a large sum annually for the regular endowment fund. The colony would be an institution.

I estimate that upon a tract of 100,000 acres, one thousand two-room huts, or cabins, could be built so scattered that they would each occupy an average area of 80 acres,  $1/4 \times 1/2$  miles, and in that wild country would be sufficiently isolated. The minimum capacity of the cottages would be 2,000 people, while the maximum capacity would be 5,000 living as the fullblood does now with his family. All these cottages to be connected with well defined trails, radiating out from roads centering at the institution headquarters. The headquarters would consist of administration building, hospital, school, orphanage, asylum for the insane, and buildings for the custodial care of the physical wrecks. These various classes of physical and mental cripples, dependent children, and others, would, without doubt, form a population of 2,000. Therefore I estimate that 100,000 acres of this wild and rough land would be capable of maintaining and caring for a population of 7,000 fullblood Indians.

Because of the age of these Indians, who will probably be the first pauperized, it is safe to say that institutions population will be constantly changing by reason of deaths, and constantly increasing for a period of twenty years at least. I do not believe in the custodial care of Indians except in cases of the very old, or the very young. I believe that a majority of the fullblood boys can be ~~induced~~ induced to become skilled handlers of livestock. Some few of them can be developed into tinkers, but never into mechanics. The efforts of 100 years has not made an Indian a good farmer. It seems folly to try to overcome racial traits, to make an Indian into a white man.

The average cost of maintaining people in public institutions is 58 cents, but owing to the simple wants of the



fullblood Indians I believe it would require only 18 cents a day for purposes of food and clothing in the cottage system I have outlined.

The Counties of Oklahoma allow 40 cents per day for maintenance in institutions, jails, etc., and were they required by law to give this sum for the support of the pauper Indians committed to the colony a very handsome profit would be made. However, I believe that by forming an endowment the institution could be self supporting even when caring for the maximum number of inmates.

Without National, State, or County aid, providing the land is given without restrictions, and a sufficient amount of money be had to build the institutional buildings, mills, and labor, without going into debt at the outset. \$450,000 per year seems a large sum, but with plenty of cattle, hogs, sheep and goats growing day and night, with rentals from small patch farms, the sale of lumber, railroad ties, etc., this fixed charge on the institution can be met, provided the institution be commenced now, and before the general looting of the Indian is finished.

Signed H. HUBBON.



LUMBERING OPERATIONS  
MENOMINEE INDIAN MILLS.  
NEOPIT, WISCONSIN.

Statement, July 1, 1910, to Sept. 30, 1911

RESOURCES AND LIABILITIES.

RESOURCES.

Cash in Office	\$ 8,034.50	
Cash on deposit, Spl. Disb. Agt.	2,352.67	
Cash on deposit, Receipts deposited, \$518,696.74		
Less withdrawal, Menominee Log Fund, 511,948.34	6,748.40	\$ 17,135.57
Stumpage — <i>Rate changed as per table</i> —		8,418,518.73
Accounts receivable		6,154.15
Mills and Plant		349,913.13
Lumber, Lath, Shingles & Other Products		584,113.92
Buildings		68,849.54
Furniture & Equipment in Buildings		4,474.86
Water Works, Heating & Sewerage Plants		15,621.10
Merchandise, Supplies & Equipment		33,872.85
Dams and Streams Improvements		538.35
Insurance (Unexpired Premiums)		7,281.39
Telephone & Electric Light Systems		9,921.36
Log Loaders, Wagons, Sleighs, etc.		12,457.15
Camps, Logging Roads, Landings & R. R. Spurs		18,052.14
Reservation Improvements	47,786.97	
Reservation Expense	6,875.38	
Education of Indians	72,094.41	126,736.76
Farm		1,217.22
Railroad and Equipment		57,725.86
Live Stock		12,900.50
Dead and Down Operations		
Net Loss, Operations	\$272,179.92	
Net Loss, Int. on Investment	34,861.92	
	\$307,041.84	
Less 33-1/3% Indian Labor, Dead & Down Operations	27,642.58	
	\$279,399.26	
Less part of 33-1/3% Indian Labor Green Operations over and above Int. on Investment,	9,662.50	
Net Loss		289,736.76
		\$10,015,221.34

# LIABILITIES.

Accounts payable	\$ 9,847.59
Impairment Account, Depreciation Plant, etc.	57,482.45
Impairment Account, Reservation Improvements, Depreciation	2,508.39
United States, Cash Investment	1,062,106.79
" " Timber Investment	8,749,145.88
" " Interest on Investment	134,150.24

Operations Nov. 1, 1909, to Sept. 30, 1911.

Net Profit, Operations	\$64,498.99
33-1/3% Indian Labor, \$44,451.83	
Part of 33-1/3% of Indian Labor over & above Int. on Investment, credited to Dead and Down loss	
9,662.50	34,789.33
	\$99,288.32

Int. on Investment, Nov. 1, 1909, to Sept. 30, 1911,

99,288.32	- - - - -
	\$10,015,221.34

# PROFIT AND LOSS.

OPERATIONS, JULY 1, 1910, to SEPT. 30, 1911.

CR.

Bark,	\$ 2,671.87	
Interest, (Charged to Menominee Indians for amounts invested in erecting buildings for them.)	10.66	
Hotel	30.70	
Hogs	249.08	
Physician	1,036.09	
Rent, Dwellings	2,778.41	
" Tent	30.40	
" Stoves & Miscellaneous	7.40	
Water taken by W. & N. R. R. Co. Engines	159.95	
Wood	59.48	
Planing Mill	2,383.14	
Lumber	45,389.60	
Lath	4,311.85	
Shingles	1,691.44	
Crating	84.38	
Wanagan sold direct from Warehouse	12.70	\$ 60,907.15

DR.

Ice Account (To Dec.31,1910)	\$ 255.77	
(To Sept.30,'11)	95.64	351.41
Goods spoiled at warehouse,		
Corned beef and rutabagas,	18.72	370.13
Profit, July 1,'10, to Sept.30,'11,		\$ 60,537.02
33-1/3% of Indian Labor		29,727.91
Profit,		\$ 90,264.93
Less Interest on Investment,		70,225.38
Net Profit,		\$ 20,039.55

# SUMMARY, PROFIT AND LOSS.

Loss Dead and Down Operations		\$ 272,179.92
Profit Nov.1,'09, to June 30,'10 Oper.	\$ 3,961.97	
" Jul. 1,'10, to Sept.30,'11 "	<u>80,537.02</u>	<u>84,498.99</u>
Loss on operations,		\$ 207,680.93
Plus		
Interest Dead & Down Operations,	\$ 34,861.92	
" Nov.1,'09, to June 30,'10, Oper.	29,062.94	
" Jul.1,'10, to Dec. 31,'11, "	<u>70,225.38</u>	<u>\$ 134,150.24</u>
Loss Operations including Interest,		\$ 341,831.17
Less		
33-1/3% Indian Labor, Dead & Down Operations,	\$ 27,642.58	
33-1/3% " " 11/1/'09 to 6/30/'10	14,723.92	
33-1/3% " " 7/1/'10 to 9/30/'11	<u>29,727.91</u>	<u>\$ 72,094.41</u>
Net Loss to 9/30/'11		\$ 269,736.76

## N O T E.

Profit on Operations, Green Timber,	\$ 64,498.99
Stumpage on Green Timber cut to date,	
55,411,827 Ft. @ Average of \$6.37	<u>353,237.79</u>
Total,	\$417,736.78
Less interest on Operations, Green Timber,	<u>99,288.32</u>
	\$318,448.46

5% Interest on all sums withdrawn from Treasury and \$5.75 per M. Stumpage for profit on Green Timber cut, assuming lumber and all other products on hand to be worth their cost and the most conservative estimate is that they are worth more than their cost.

# LUMBER.

Inventory Jul.1,1910, 22,178,966 Ft. @ \$10.35	\$229,423.43
Depreciation, Phlox & Keshena Roads, Nov. 1	
to July 1, 1910	401.34
Additional on camp buildings, roads, etc., 7/1/1910	6,136.54
Stumpage on logs cut and sawed prior to July 1, 1910	77,454.47
Logs sawed July 1/10 to Sept. 30/11	223,163.69
Stumpage on logs cut and sawed 7/1 to 9/30	218,175.87
Unloading and Boomage	11,738.06
Manufacturing	92,515.42
Yarding	25,488.61
Piling	15,266.73
Shipping	39,688.10
Sales Expense	4,356.28
Miscellaneous Expense (Insurance & Storage)	13,543.21

Repairs to mill and plant charged to operations prior to July 1, in error	1,482.42
Sales	454,226.21
Used in construction	18,704.22
900,000 Ft. Scoots and worthless charged to "Dead & Down" operations to show true status of green operations	12,843.00
Inventory 36,455,835 Ft. @ \$14.14	515,485.50

Net Profit,	45,389.60	
	1,002,741.35	1,002,741.35

Average price received for lumber	\$17.43
Average cost of lumber	15.76
Average profit,	\$ 1.67

Shipped and used in construction	27,073,154	
Shortage	48,118	
Total taken from yard,	27,121,272	Green Timber.



900,000 Ft. of Scoots and worthless lumber developed almost entirely from the piles of lumber cut from Dead and Down timber and has been charged back to the Dead and Down Operations in order to show the true business of these operations since Nov. 1, 1909, which have cut green timber. As there is still considerable of the Dead and Down lumber in the yard, as further loss on this will undoubtedly develop as the lumber is handled and shipped.

# L A T H.

Inventory July 1, 1910,	\$ 1,896.28
Manufacturing	6,491.08
Yarding	1,080.19
Shipping	428.36
Sales Expense	136.85
Miscellaneous Expense (Insurance, etc.)	238.83

Sales	\$ 9,873.57
Used in Construction	115.02
Inventory, Sept. 30, 1911	4,629.73
Net Profit	<u>4,311.85</u>
	\$14,618.32      \$ 14,618.32

Average Sales Per M.	\$ 2.34
Average Cost Per M.	<u>1.34</u>
Average Profit,	\$ 1.00

4,278,650 Shipped

2,050 Over

4,278,700

# SHINGLES.

Inventory, July 1, 1910	\$ 996.19	
Logs	2,770.66	
Boomage	287.10	
Manufacturing	4,740.19	
Yarding	338.38	
Shipping	185.54	
Sales Expense	58.27	
Miscellaneous Expense (Insurance, etc.)	126.36	
Sales		\$ 7,661.60
Used in Construction		434.53
Inventory, Sept. 30, 1911		3,098.00
Net Profit	1,691.44	
	\$ 11,194.13	\$ 11,194.13

Average Sales Per M. \$ 2.19

Average Cost Per M. 1.66

Average Profit, .53

3,685,000 Shipped and sold @ \$ .53

143,250 Shortage

3,828,250

# C R A T I N G.

Manufacturing	\$ 1,827.96
Yarding	169.82
Shipping	16.81
Sales Expense	3.67
Miscellaneous Expense	15.37

Sales	\$ 475.40
Inventory	1,642.61

Net Profit

84.38

\$ 2,118.01

\$ 2,118.01

Sales per M. \$ 2.00

Cost per M. 1.65

Profit \$ .35

# W O O D   A C C O U N T .

Inventory July 1, 1910	\$ 405.25	
Labor	2,245.63	
Board of Teams	455.32	
Depreciation, Wagons, Sleighs, Etc.	18.44	
"      Horses	34.30	
"      Harness	30.65	
"      Wood Yard (Storage)	21.59	
Live Stock Expense	33.84	
Sales Expense	95.00	
Paid Contractors for cutting	142.50	
Blacksmith Shop, Shoeing	5.70	
General Expense	151.05	
Sales		\$ 3,594.75
Inventory		104.00
Net Profit	59.48	
	<hr/>	
	\$ 3,698.75	\$ 3,698.75



# B A R K.

Labor	\$ 3,611.01	
Paid Contractors, Loading	1,780.68	
Warehouse, Car Wire, etc.	14.86	
Board of Men	235.03	
Board of Teams	40.12	
Lumber, Car Stakes	3.10	
Depreciation, Horses	6.57	
"    Harness	3.35	
Tools and Equipment	62.92	
Camp Buildings	81.24	
Railroad Spurs	94.94	
Live Stock Expense	5.09	
Sales Expense	20.00	
General Logging Expense	211.98	
General Expense	359.42	
Sales		\$ 9,202.18
Net Profit	<u>2,671.87</u>	
	\$ 9,202.18	\$ 9,202.18

1,218½ cords Bark

Price Received,	\$ 7.50
Cost	<u>5.36</u>
Profit,	2.14

# PLANING MILL.

Labor	\$ 5,434.55	
Power furnished by Saw Mill	801.50	
Planing Mill Supplies, Misc.	216.80	
" " " Lub. & Waste	111.50	
Electric Light Expense	100.84	
Depreciation, Planing Mill & Machinery	874.93	
" Water Works, Plant & System	30.27	
" " " Fire Pump	2.39	
" " " Hose & Equipment	33.64	
" 500 Ft. Fire Limit	15.25	
" Factory Trucks	13.68	
Night Watch Expense	65.29	
Fire Protection, Extra Watchmen, Clean up Refuse,	70.32	
Insurance	356.54	
General Expense	404.15	
12,101,070 Ft. Milled at various prices		\$ 10,914.29
Filing saw for Menominee Indian		.50
Net Profit	2,383.14	
	\$ 10,914.79	\$ 10,914.79
Average price received for planing	\$ .90 per M.	
Mill work, average cost to work lbr.	.70 per M.	
Average profit,	\$ .20 per M.	
Average cost to work lumber without overhead charges,	\$ .55	

# PHYSICIAN'S ACCOUNT.

Inventory, Drugs, etc., July 1, 1910,	\$	523.20	
Labor		1,576.91	
Supplies and Drugs		192.95	
Board of Physician's Horse		251.32	
Depreciation, Officer's Dwelling No. 52		101.13	
" " " Furniture		25.91	
" Heating Plant (Dwelling & Office)		41.20	
" Sewerage (Dwelling)		11.15	
" Water Works, Plant & System		9.65	
" " " Fire Pump		.95	
" " " Hose & Equipment		10.06	
" Wagons, Sleighs, etc.		19.00	
" Horse		21.18	
" Harness		18.77	
" Physician's Office		23.00	
" " " Equipment & Instruments		16.00	
Live Stock Expense		20.37	
Insurance		7.32	
Electric Lights		74.69	
Rent of Dwelling (Temporarily)		37.00	
Long Distance Telephone Expense		.15	
Blacksmith Shop, Shoeing Horse		3.60	
General Expense		109.40	
Medical Fees collected on pay rolls			\$ 4,008.64
Inventory Drugs, etc., Sept. 30, 1911			351.23
Death & Accident Expense		228.87	
Net Profit		1,036.09	
	\$	4,359.87	\$ 4,359.87

# H O T E L.

Wood	\$	220.50	
Depreciation, Heating Plant		221.35	
" Sewerage		45.51	
" Water Works, Plant & System		26.82	
" " " Fire Pump		2.42	
" " " Hose & Equipment		38.68	
" Hotel Building		501.46	
" " Furnishing & Equipment		282.30	
" Wells and Pumps		20.23	
Night Watch Expense		65.29	
Electric Light Expense		312.94	
Telephone Expense		32.99	
Insurance		285.28	
Rental Received			\$ 2,076.47
Net Profit		30.70	
		<hr/>	
	\$	2,076.47	\$ 2,076.47

Hotel leased to Ira A. Beane at rental of 50 cents per week per man, computed on meals of men boarding at hotel.

Rate 50¢ only applies since April 1, 1911.

Rate previous was 25¢ per man per week.

# RENT, DWELLINGS.

Depreciation, Wells and Pumps	\$ 73.19	
" Permanent Dwellings	1563.96	
" Tarpaper	375.11	
" Water Works, Plant & System	8.43	
" " " Fire Pump	.59	
" " " Hose & Equipment	9.65	
Insurance	59.50	
Rentals		\$ 5,168.84
Net Profit = 6.6% on investment	2778.41	
	<u>\$5168.84</u>	\$ 5,168.84

# RENT, TENTS.

Labor and Lumber, Making Tent Floors	\$ 22.19	
Rentals		52.59
Net Profit	30.40	
	<u>\$ 52.59</u>	\$ 52.59

# RENT STOVES & MISCELLANEOUS.

Rentals		\$ 7.40
Net Profit	\$ 7.40	
	<u>\$ 7.40</u>	\$ 7.40

Water taken by Wis. & Ner. R.R. Co. Engines @ \$ .35 per day per engine, July 1, 1910, to Sept. 30, 1911,		\$ 159.95
Net Profit	\$ 159.95	
	<u>\$ 159.95</u>	\$ 159.95



# H O G S.

Inventory July 1, 1910	\$ 255.50	
Labor, Butchering at Camp	2.69	
Board of Men, Butchering at Camp	.99	
Labor, transferring pigs to camps	4.42	
Labor on pig pens	5.75	
Board of men, working on pens	1.87	
Warehouse, Feed	280.38	
General Expense	.68	
Charged to Camp 5 for meat		\$ 13.68
Sales		294.00
Inventory, hogs		489.00
Inventory, Feed		4.68
Net Profit	249.08	
	<hr/>	
	\$ 801.36	\$ 801.36

I C E   A C C O U N T.  
January, 1909, to December, 1910.

Putting up.

Labor	\$ 335.49	
Lumber	1.08	
Subsistence, Horses	21.60	
Warehouse (Inventory)	1.39	
Depreciation, Equipment	7.63	
"      Horses	3.60	
"      Harness	.54	
"      Wagons, Sleighs	.58	
Live Stock Expense	2.08	
General Expense	<u>33.22</u>	\$ 407.21

Delivering.

Labor	41.26	
Subsistence, Horses	9.00	
Warehouse (Incidentals)	1.56	
Lumber	.90	
Depreciation, Horses	1.35	
"      Harness	3.90	
"      Ice House Equipment	.35	
"      Wagons, Sleighs	.25	
Live Stock Expense	.74	
General Expense	<u>4.11</u>	63.42
Depreciation, Ice House		40.25
Sales Ice		\$ 255.11
Net Loss		255.77
	<u>\$ 510.88</u>	<u>\$ 510.88</u>

I C E A C C O U N T.  
January 1, 1911, to September 30, 1911.

Labor, Putting up Ice		\$ 174.71	
Board of Teams, Putting up Ice		18.42	
Depreciation, Horses,	"	1.55	
" Harness	"	1.43	
Live Stock Expense	"	1.71	
General Expense	"	11.68	
Depreciation, Equipment	"	<u>15.40</u>	\$ 224.90

Labor, Delivering		49.85	
Board of Teams	"	12.79	
Depreciation, Horses	"	.85	
" Harness	"	.79	
Live Stock Expense	"	.94	
General Expense	"	<u>3.05</u>	\$ 68.27
Depreciation, Ice House Building			40.24

Sales			\$ 237.77
Net Loss			<u>95.64</u>
		\$ 333.41	\$ 333.41

90 Cords put up, cost \$2.50

TOTAL amount in U.S.Treasury to Credit of Menominee }  
 Log Fund on June 30, 1907. See letter F.B.K.K.G. }  
 101897-13 Aug. 29-1913 - - - - - ) \$2,335,691.48

Conditions on Sept. 30, 1913

Stampage Charged.

RESOURCES

SEPT. 30, 1913.

Total amount in U.S.Treasury to Credit of Menominee  
 Log Fund on June 30-1910 as per above letter

1,296,558.82

Cash Deposit in U.S.Treasury *Since July 1-1910*

458,188.37

\$1,754,747.19

Accounts Receivable	21,638.49
Mills & Plant	407,717.18
Products on hand at cost	406,936.97
Buildings	75,114.30
Furniture & Equip. in Bldgs.	4,380.98
Water works- Heating & Sewer System	16,424.47
Forest Watch Towers	2,371.46
Merchandise-Supplies- Equip.	41,078.26
Ins. unexpired premiums	6,903.13
Electric Light & Telephone System	11,103.69
Camps-Roads-Landings-Spurs, etc.	24,126.97
Log Loaders- Wagons-Sleighs, etc.	11,236.21
Reservation Improvements	52,549.91
" Expense	13,458.13
Education of Indians	125,107.57
Farm	18,996.49
R.R. Equipment	115,911.84
Live Stock	<u>20,189.20</u>

1,375,295.27

Less

Accounts Payable	19,870.70
Depreciation Plant, etc.	109,929.84
" Reserv. Improv.	<u>4,725.15</u>

134,525.69

1,240,769.58

*Resources in 1913*

2,995,516.77

TOTAL amount in U.S. Treasury to Credit of Menominee)		
Log Fund on June 30, 1907.	See letter F.B.K.K.G	
101897-13	Aug. 29-13	\$2,335,691.48

Conditions on July 1-1910      No Stumpage Charged

RESOURCES      JULY 1, 1910.

Total amount in U.S. Treasury to Credit of Menominee	
Log Fund on June 30, 1910 as per Indian Office letter	
Aug. 29, 1913	1,296,558.82

Cash	6,689.88
Accounts Receivable	4,524.54
Mills, Plant, etc.	271,286.84
Products on hand cost	339,756.74
Buildings	72,622.09
Equip. & furniture in Bldgs.	4,958.61
Water works, Heat & Sewer	10,065.08
Mill Supplies	9,141.03
Merchandise	21,509.70
Dam & Stream Improvements	1,100.00
Ins. Unexpired Premiums	7,444.73
Telephone & Elec. Light System	8,598.89
Camp - Roads, Landings	18,747.83
Live Stock & Harness.	11,120.57
Fire Protection Forests	13,771.69
Loaders - Wagons & Sleighs, etc. v	12,009.61
R.R. Grading & Spurs	5,871.10
Roads & Improvements	43,393.36
Exp. carried future operations	388.07

863,000.36

Less

Accounts Payable	12,345.53	
Depreciation, Plant, etc.	29,564.19	41,919.72
		821,080.64

Resources 1910

# 2,117,639.46



*Summary X*

	Logs cut for Lumber	Logs & Timber cut for Misc. Operations	Feet Lbr. Sold & Used	Net Profit on Lumber Sold	Net Profit On Misc. Operations	Total Net Profit
July 1/10 to Sept.30/11	31,071,260	639,548	27,073,154	45,389.60	15,147.42	60,537.02
Oct.1/11 to Sept.30/12	31,504,420	1,971,457	33,923,618	50,926.42	33,277.54	84,203.96
Oct.1/12 to Sept.30/13	<u>33,712,710</u>	<u>2,839,980</u>	<u>42,070,064</u>	<u>42,931.64</u>	<u>57,540.93</u>	<u>100,472.57</u>
	96,288,390	5,450,985	103,066,836	139,247.66	105,965.89	245,213.55

Net Profit to Menominee Indian Mills over and above Stumpage. This is assuming that the Mills bought and paid for the Stumpage cut, at the rates shown on statements hereto attached.

July 1-1910 to Sept.30,1911 Credited to Stumpage & charged against operation							245,213.55
July 1-1911 to Sept.30,1912	"	"	"	"	"	"	112,144.78
Oct.1-1912 to Sept.30,1913	"	"	"	"	"	"	<u>103,726.82</u>
							688,389.72

Profit to Menominee Indian Tribe

103,066,836 Ft. @ 6.67 M Stumpage.

*Page 1*

Logs cut Oct. 1, 1911 to Sept. 30, 1912

and Stumpage charged thereon.

5,314,960	Ft.	White Pine	@	11.01	58,517.70
700,370	"	Norway	"	6.81	4,769.51
21,779,450	"	Hemlock	"	1.51	32,886.97
516,610	"	Maple	"	1.76	909.13
1,938,270	"	Birch	"	4.01	7,772.46
326,010	"	Basswood	"	6.26	2,040.82
49,270	"	Tamarack	"	2.41	118.74
32,740	"	Rock Elm	"	5.01	164.03
16,780	"	Soft Elm	"	4.21	70.64
3,720	"	Oak	"	11.51	42.82
16,700	"	Ash	"	5.01	83.66
<u>48,380</u>	"	Beech	"	2.41	<u>116.59</u>

30,743,260

Average 3.50 per M

107,493.07

Above sawed into Lumber

1,971,457 Ft. Logs & Timber cut and used in construction of Plant, Railroad, etc. also for Shingles, Posts, Poles, Ties and miscellaneous operations

4,651.71

32,714,717

112,144.78

761,160 Ft. Dead & Down Logs cut also on which no Stumpage was charged

33,475,877

Average 3.35 per M

Et. 1

6

Logs cut July 1, 1910 to Sept. 30, 1911 and

Stumpage charged thereon.

16,915,300	Ft.	Pine	@	11.01	186,237.45
8,273,950	"	Hemlock	"	1.51	12,493.66
1,569,770	"	Norway	"	6.81	10,660.13
1,699,730	"	Maple	"	1.76	2,991.52
629,700	"	Birch	"	4.01	2,525.10
1,231,990	"	Basswood	"	6.26	7,712.26
322,000	"	Rock Elm	"	5.01	1,613.22
368,250	"	Soft Elm	"	4.21	1,550.33
12,780	"	Oak	"	11.51	147.10
13,290	"	Ash	"	5.01	66.58
370	"	Hickory	"	5.16	1.91
34,130	"	Tamarach	"	2.41	82.25

31,071,260 Ft.

226,081.51

Average 7.27 per M

Above sawed into Lumber.

639,548 Ft. Logs and Timber cut and used in  
construction of Plant, etc., also  
for Shingles, Posts, Poles &  
Miscellaneous operations

1,223.06

31,710,808 Ft.

227,304.57

Average 7.16 per M

Notes

If the net profits on all operations of the Menominee Indian Mills credited to Stumpage account in addition to the regular stumpage rates as instructed by the U.S. Indian Office (Letter Feb.5-1912- I O File 102661 - 1911) then the Menominee Tribe of Indians have received an average of 6.67 per thousand feet for their timber cut during the period from July 1-1910 to Sept.30,1913.

The cash investment on capital stock of the Menominee Indian Mills on July 1,1910 is \$1,062,106.79.

The foregoing amounts of net profit then show a net earning on this investment as follows:

July 1 to Sept.31,1911 - 15 Mo.	Net	4.2%	per annum	after deducting stumpage					
Oct.1-11 to Sept.30-12 - 12 "	"	7.9%	"	"	"	"	"	"	"
Oct.1-12 to Sept.30-13 - 12 "	"	9.4%	"	"	"	"	"	"	"
Average net		7%	"	"	"	"	"	"	"

The net loss on operations previous to July 1-1910 is 269,695.92 which should be taken off the books of the Menominee Indian Mills and the capital invested be reduced that amount of to \$792,410.87 the true amount of Assets the Menominees had to conduct their business with on July 1,1910 would show the percentage of profit on the capital invested as follows:

July 1-10 to Sept.30-11 - 15 Mo.	Net	5.7%	per annum	after deducting stumpage					
Oct.1-11 to Sept.30-12 - 12 "	"	10.6%	"	"	"	"	"	"	"
Oct.1-12 to Sept.30-13 - 12 "	"	12.7%	"	"	"	"	"	"	"
Average	Net	9.5%	per annum	"	"	"	"	"	"

Receipts & Disbursements.

<u>July 1,1910 to Sept.30-1911</u>	Receipts	520,169.49	
	Disbursements	509,732.18	10,467.31
<u>Oct.1-1911 to Sept.30-1912</u>	Receipts	634,408.47	
	Disbursements	439,343.80	195,064.67
<u>Oct.1-1912 to Sept.30,1913</u>	Receipts	722,644.71	
	Disbursements	476,660.36	245,984.35
Total Receipts over Disbursements			451,516.33

Net Profit	245,213.55
Stumpage	443,176.17
Total Profit	688,389.72
Excess of Receipts over disbursements	451,516.33
Difference	236,873.39



This difference is accounted for by the fact that there are considerable more products on hand in the yard on Sept. 30, 1913, than there was on July 1, 1910, there being 28,325,980 feet of Lumber at close of Sept. 30, 1913 against 22,178,966 feet on July 1, 1910, also considerable Lath, Shingles and other products, and also by the fact that the Menominee Indian Mills have during this period from July 1, 1910 to Sept. 30, 1913 enlarged their plant considerably, among some of which are the building of approximately 15 miles of Railroad, Railroad Round Houses, Coal Bins, purchase of two engines, 65 Log Cars, Caboose and Railroad supplies, etc. Construction of several permanent dwellings for Employees, construction and repair of Dwellings for Indians, construction of Lumber Yard, Tramways and Pile Bottoms to take care of 38 to 40 million feet of lumber instead of 22 million on hand July 1, 1910, construction of Planing Mill including purchase of machinery, etc. to double its capacity since July 1, 1910, enlargement of mill to handle and manufacture by products from slabs and refuse and sundry other improvements to the plant, also purchase of Horses, Lumber Buggies and sundry other equipment and supplies necessary to facilitate the handling of a greater volume of business (31 to 36 million feet of lumber per year against 20 million feet per year previous to July 1, 1910, besides other by products such as Grating, Pickets, Slabs, etc.) and which appear in our statement of resources and which of course do not affect the amount of profit made and shown, but reduce cost items and increase products, Plant, Equipment and other items in the Statement of Resources, and are of course on hand and carried at their cost (less a reasonable depreciation) for future operations. These years operating have of course stood their depreciation as per annual statements amounting to 181,754.66 for this period July 1, 1910 to Sept. 30, 1913 and as instructed by the Indian Office, which if not charged against operations would make net profit that much greater

The reasons for the receipts being only \$10,467.31 over and above the disbursements (not the profit) during the period from July 1, 1910 to Sept. 30, 1911 are, that considerable more products were on hand in the yard on Sept. 30, 1911 than on July 1, 1910, there being 36,455,835 ft. of lumber alone on Sept. 30, 1911, against 22,178,966 ft. on July 1, 1910 besides more, Lath, and other products, also that during this period the greater part of the expense building the Railroad purchasing Engines, Logging cars, Railroad supplies, etc. building of several permanent dwellings.

The reason for the net profit on Lumber being only 45,389.60 for this 15 months period is that considerable lumber, that was on hand in the yard on July 1, 1910 was cut from dead and down timber, and was sold at a loss, and as our green cut was piled with the dead and down lumber in order to better dispose of it, and owing to the cramped conditions of the Yard, it was necessary to pile with the green cut with the dead and down so that it was a physical impossibility to account for each cut separately.



12

The over run of Logs into Lumber during the period from July 1, 1910 to Sept. 30, 1913 is 4,383,969, more than enough to make up the difference between amount of Logs cut, and lumber sold during this period and as there was an inventory of Logs, Lumber and other products on hand at the end of each accounting period, July 1, 1910, Sept. 30, 1911, 1912 and 1913, with the exception of taking into consideration the sale of dead and down lumber during 1910 and 1911, it is safe to assume that the yearly cuts of Logs shown in the foregoing statements were cut into Lumber and other by products and sold.

Stumpage prices are about what maintain throughout this part of the country where the same class and species of timbers are cut and manufactured.

This information was obtained by actual inquiry from 15 of largest operations in the section of Wisconsin, Michigan and Minnesota all exchanging stumpage prices. Such firms as Sawyer Goodson & Co, The Stephenson Co. Diamond Lumber Co. Brown Bros. Lumber Co. Clognet Lumber Co - Virginia & Rainey Lake operations & others. It also compares with information gathered by the U.S. Forest Service.

(Copy)

September 8, 1913.

Hon Joseph Robinson, Chairman,

Commission to Investigate Indian Affairs,

United States Senate, Washington, D. C.

Dear Senator:

As I understand that the Commission appointed under the last Indian Appropriation bill is to make investigations of Indian affairs in different parts of the United States, I would respectfully invite the Commission to make an investigation of the milling operations and general conditions on the Menominee Indian Reservation in Wisconsin.

I have had complaints from quite a number of the Indians and also complaints from white men of the waste and mismanagement there. In support of these statements I am enclosing to you herewith a letter to the former Secretary of the Interior, Hon. Walter L. Fisher, which contains resolutions which I am informed were signed by over 200 adult Indians on that Reservation. I am also appending a few letters and a clipping from the Shawano County Advocate.

If it is a fact that there has been a loss to the Indian in the neighborhood of \$1,500,000, I think it is high time that this matter be investigated and recommendation relative to future operation and management made to the Indian Bureau and to Congress.

Besides the milling operations, which are sufficient warrant for an investigation, there are many other matters that could be looked into by this Commission. These other matters are very briefly stated in the resolutions submitted herewith.

Hoping that this Commission will make a thorough investigation of conditions on the Menominee Reservation and thanking you in advance, I am  
Sincerely yours, (Signed) Thomas F. Kanop.

Copy of letter from Mr. Webster Ballinger to Mr. Mitchell Oshkenaniew, dated September 11, 1913.

Mr. Mitchell Oshkenaniew,

Neopit, Wisconsin.

Dear Sir:

Answering your letter of the 6th instant, when I wrote you on the 22d ultimo, I gave you the amount of the principal of the Log Fund as shown by the books of the Treasury. The statement given out by the Indian Bureau is correct as to the total amount of funds from all sources standing to the credit of the Menominee Indians. Let me explain this statement to you. The first item, entitled "Menominee Fund" \$153039.38, represents the fund arising out of Act of April 1, 1880 (21 Stat. L.70). The second item, "Interest on same," amounting to \$816.05, represents the unexpended balance of the accrued interest on the first item of \$153039.38. The third item, "Menominee Log Funds," \$1737550.67, represents the principal of the Log Funds and to which was transferred under the Comptroller's decision of June 28, 1912, all the funds standing to the credit of the Menominee 4% Funds and interest thereon. The fourth item, "Interest on same," amounting to \$4045.19, represents the unexpended balance of the accrued interest on the Log Funds. The last item, "Fulfilling Treaties with Menominee-Logs," amounting to \$79722.67, represents the interest on the first item of \$153039.38, the third item of \$1737550.67 and the interest on the Menominee 4% Fund of \$184319.40 which was last year transferred under the Comptroller's decision of June 28, 1912, to the Menominee Log Funds.

The Menominee Log Funds which amounted on June 30, 1907, to \$2335691.48 are today, after the transfer of the 4% Funds to that account, \$598140.81 less than they were on June 30, 1907. I observe that the statement furnished by the Department is silent upon the question of the amount of timber cut during the year or during the preceding years. It merely sets out the funds of the tribe on deposit in the Treasury and the alleged value of the improvements and lumber on hand on the Reservation. The improvements, appearing upon the second page of the statement are given the value they originally cost, without deduction for deterioration. It is safe to estimate that these improvements, costing an aggregate of \$791870.63, have depreciated by wear and decay from 25 to 50 % since constructed.

The value placed upon the lumber on hand is in excess of its actual value, as I am advised that most of the lumber on hand represents the cullings of the mill.

Assuming that the timber cut on the Reservation under the Acts of 1906 and 1908 was worth \$1600000.00, which is not taken into account, and allowing 30 per cent for depreciation on the mill and other improvements, the account of the Menominees for the past five years would be as follows:

Menominee Log Fund .....	\$2335691.48
Loss in interest on said fund by use of part of fund for logging operations and improvements (approximately).....	329461.40
Value of timber cut during 5 years.....	1600000.00
Total.....	<u>\$4265142.88</u>

Menominee Log Funds, June 30, 1913.....	\$1737550.67
Interest on said sum for 1 year at 5%, approximately.....	70000.00
Tangible assets, mills, plant, buildings, etc. total cost \$791870.63, less 30% for deterioration.....	553309.45
Total value of lumber on hand, as per Agent's estimate.....	474866.33
Total.....	<u>\$2865726.45</u>

Total loss to the tribe during 5 years' operations, approximately.....	<u>\$1429426.43</u>
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These matters have been brought to the attention of the Departmental officials by me and are now supposedly under consideration. The House and Senate have appointed members of a Joint Committee of Congress to investigate all Indian matters. Unless action is taken by the Department before the Joint Committee commences its investigations I shall, if the tribe desires me to do so, bring these matters to the attention of that Committee and ask for a full and complete investigation of the affairs of the Menominee Indians. You are at liberty to read this letter to the Menominee Indians in Council if you so desire. I am returning herewith the statement furnished the Menominee Indians by the Indian Bureau and will be obliged to you if you will return the same to me.

Trusting that I have fully answered your communication,  
I remain,

Very truly yours,

(Signed) Webster Ballinger

DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS

WASHINGTON, D. C.

B-a

Room 28, Bureau of Mines.

November 3, 1913.

Dear Commissioner Ayer:

At the suggestion of Commissioner Eliot at the Board's meeting at Mohonk Lake on October 23, it was decided that an investigation of the Indian saw-mill, the property of the Menominee Indians at Neopit, Wis., should be made at an early date by a member of the Board, and that because of your large business experience and your familiarity with enterprises of this character, you should be requested by the Board, to make the proposed investigation. The Menominee saw-mill was constructed out of Indian monies in accordance with an act of Congress which was prepared and pushed through by Senator La Follette and which first required the manufacture of not to exceed 20,000,000 feet of lumber a year but which has since been increased to 40,000,000. The plant was constructed and operated in the first instance under the direction of the United States Forest Service but three years ago the complete management was turned over to the Indian Bureau except that trees must be marked for manufacture by a representative of the United States Forest Service in accordance with the act of Congress heretofore referred to. The legislation establishing this Indian mill and its operation under Government direction from the first have met with considerable adverse criticism, some of it from large lumber manufacturers in Wisconsin, and there has all the time been more or less criticism from certain members of the Menominee tribe on the alleged ground that the mill was not paying them fair stumpage prices for their timber and that they were not given sufficient voice in the management of the enterprise. On the other hand, the reports of the Superintendent indicate a gradual increase in profits



from the mill during the last three years and while it has been under Indian Office management. The coming in of a new administration in Indian affairs has been marked by increased agitation in connection with this large and important enterprise, and owing to the difficulty of determining ultimate stumpage values for each kind of timber cut on account of the law of average cost which controls in the manufacture of mixed lumber, a controversy has arisen which it is believed can be settled only by an independent investigation by a man who knows results in lumbering when he sees them.

This is only a brief sketch of the situation. I hope very much that you will be able to attend the meeting of the Board next Thursday and Friday, at which time I shall be glad to secure for you such other information on this subject as you should like to have before starting the proposed investigation.

You will be interested to know that Commissioner Smiley is making plans to investigate conditions at Banning, Cal., and that Commissioners Eliot and Ketcham have been requested to investigate Pueblo, Navaho and Papago matters in the very near future.

Sincerely yours,

*J. V. C. C. C.*  
Secretary.

Hon. Edward E. Ayer,  
1515 Railway Exchange Bldg.,  
Chicago, Ill.

DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS  
WASHINGTON, D. C.

Room 28, Bureau of Mines,

November 11, 1913.

Dear Commissioner Ayer:

I am pleased to enclose for your information in connection with the Menominee matter copy of the Act of March 28, 1908 establishing the project and amendment thereto in the Indian appropriation act for the fiscal year ending June 30, 1912 also two sheets giving in very condensed form some general information about the plant. Yesterday I mailed a copy of the printed hearings before a Senate Committee with the pages which will be of any practical use, marked.

Commissioner Sells has very kindly promised to mail you a map of the project and the reservation and other data which he feels may be of use to you.

Congressman Konop will return to-night from Wisconsin. Tomorrow I hope to secure a brief memorandum of complaints made to him about the mill, also a statement from Senator La Follette's private secretary. The moment I can get them they will be forwarded to you.

With highest personal regards, I am,

Sincerely yours,



Secretary.

DEPARTMENT OF THE INTERIOR  
OFFICE COMMISSIONER OF INDIAN AFFAIRS  
WASHINGTON

C D M

NOV 12 1913

My dear Mr. Ayer:

In conformity to the informal request of Mr. Abbott that I transmit to you information which would show the essential condition of the Neopit lumbering operation, I take pleasure in sending you herewith a brief statement of this project.

The logging year extends from October 1 to September 30. The books are closed on September 30 of each year and a full annual report is then rendered. The report for the year ending September 30, 1913, has not yet been received, and probably will not be received before late in this month. In an operation like that at Neopit the lumber which is cut one year is to a large extent sold the following year and some of it may even be held over the second year. It is impossible to know exactly what is the profit or loss on the timber cut in any particular year at the close of that year.

A statement of business is made in the middle of each logging year; that is for the period from Oct-

ober 1 of one calender year to March 31 of the next calender year. The last report of this character was for the period ending March 31, 1913. As the books are not closed at that time the semi-annual statement does not give as complete information as the annual statement.

I attach copies of ten pages from the statement for the six months ending March 31, 1913. These pages show the more prominent and essential features presented in that statement.

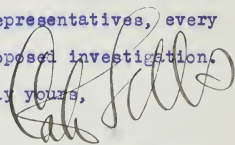
This Office, on June 23, 1913, requested the Superintendent of the Neopit operation to forward immediately after the close of the fiscal year such information as he could covering operations for the year. It was, of course, impossible to give a detailed statement at that time. I am, however, attaching a sheet containing an extract including the essential facts presented in the Superintendent's letter under date of July 5, 1913 in answer to the request above quoted. I also attach copies of ten sheets which were transmitted by the Superintendent at that time. There is also enclosed a map which is a copy of one transmitted by the Superintendent on August 22, 1913, showing in considerable detail the location of all past logging operations on the Menominee Reservation and the

areas which are being logged at present. There has never been a careful timber survey made of the whole reservation. There are considerable areas east and west of the Wolf River, in townships 28, 29 and 30 north in which there is no timber at present. A great deal of timber was cut here years ago and driven down the River. The fires came in after lumbering by the Indians and nothing but unproductive lands remain. Practically all of townships 29 and 30 N., ranges 13, 14 and 15, is now covered with merchantable timber, except the areas near Wolf River, small areas along the West Branch and the Little West Branch, and the areas which have been logged since the Neopit operation was begun.

It is estimated that about half of townships 29 and 30, R. 16 E., is timbered.

If I can supply you with any additional information concerning any phase of the timber operations at Menominee, which will be of use in the proposed investigation, I shall be pleased to comply with your request. I take pleasure in enclosing herewith a note of introduction to the Superintendent at Keshena, asking that he extend to you, or to your representatives, every possible courtesy and aid in the proposed investigation.

Very truly yours,



Hon. E. E. Ayer,  
1515 Ry. Exchange Bldg.  
Chicago, Ill.

Commissioner.



DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS  
WASHINGTON, D. C.

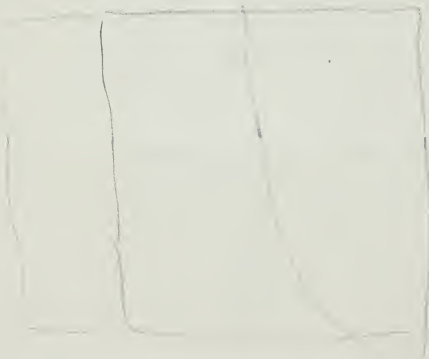
Room 28, Bureau of Mines,  
November 15, 1913.

Dear Commissioner Ayer:

I am sorry to report that I have been unable so far to secure any written data on the Menominee matter either from Congressman Konop or Senator LaFollette's office though I had a long talk with Mr. Hannan, Senator LaFollette's secretary one day this week. I shall try again the first of the week; meanwhile I suggest that you go on with what you have. The most of the data of all kinds that you will want will be found of course in the office of the superintendent of the project.

Sincerely yours,

*J. W. Abbott*  
Secretary.



DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS  
WASHINGTON, D. C.

B-a Room 28, Bureau of Mines.

November 18, 1913.

Dear Commissioner Ayer:

I just had a long and very satisfactory talk with Congressman Konop, of Wisconsin, and he informs me that he will look up his files right away and submit such information as he has. He had already taken this matter up with Senator Robinson, Chairman of the Joint Congressional Investigating Committee, and asked for an investigation such as the one you are planning to make. When I told him about you he seemed very greatly pleased that you were going to do this work. I urged him to get the papers which you would need very promptly and he promised to do so. You will hear from me the moment I get them.

Sincerely yours,

*J. M. Hubbard*  
Secretary.

Hon. Edward B. Ayer,  
1515 Railway Exchange Building,  
Chicago, Ill.

United States Senate,  
COMMITTEE ON CORPORATIONS  
ORGANIZED IN THE DISTRICT OF COLUMBIA.  
WASHINGTON, D. C.


November 18, 1913.

Mr. F. H. Abbott, Sec.,  
Board of Indian Commissioners,  
Washington, D. C.

My dear Mr. Abbott:

I am inclosing herewith a memorandum  
with reference to the Menomonie plant, which  
may be of service to you.

Very truly yours,

  
Secretary.

MEMORANDUM.

The mill on the Menomonie Indian Reservation at Neopit is an outgrowth of dissatisfaction with the lumber operations of the big lumber companies on that reservation. Under an act of Congress passed in 1892, contracts were given to the lumber companies to cut the timber upon the reservation. This cutting went on until 1909.

In 1907, a Committee of the Indians came to Senator LaFollette representing that the Indians were not being treated fairly by the contractors, and that they desired to cut the timber for themselves.

The Neopit Mill was authorized by statute and was established:

First. That the ripe timber of the Menomonie Reservation might be manufactured into lumber.

Second. That the remaining forest upon that reservation should be logged in conformity to the most improved forest rules and methods.

Third. That it would give the Indians opportunity for employment, not only in the woods during the winter months, but at other seasons of the year in the manufacture of lumber.

Fourth. That it would train the Indians in the handling of their own business.

It is the purpose to maintain this lumber operation by reforestation. From the first, the operation has been opposed by the lumber companies who are very desirous to take the immediate profits which they might secure by cutting over this fine virgin forest. Some of these lumber companies in their opposition have been able to secure the cooperation of certain members of the Menomonie Tribe. While it may not at this time be susceptible to proof, the fact that these Indians without work have at all times plenty of money, seems to give

color to the statement that certain of the Indians are on the pay roll of the lumber companies, keeping up constant agitation in the tribe for the abandonment of the Leopit project.

Any investigation of this plant which would fail to take into consideration the main purpose, that is the giving of the Indians employment, would be unfair. At the same time, there is no reason for the giving of employment to Indians, should it work to make the plant unprofitable.

One point which should be investigated thoroughly is the complaint of the Indians to the effect that the good showing which the plant made this past year is due to the fact that some of the finest timber upon the reservation has been cut and it was because of the high price which the operation was able to secure for this timber, that it was able to make a good showing. The Indians contend that the reservation is being stripped of this timber, and that when it is gone, that the plant will not longer be able to make the showing.

The Indians also complain that in the matter of reforesting, trees have been set out among the old stumps, without burning the dry slashing.

The Indians also complain that they are discriminated against in the matter of employment, and white men are given preference.

If possible, the investigation of the plant should check up the estimates of the timber made by those who have cruised it for the government. The Indians complain that there is great waste in manufacturing, and that if the manufacturing business was properly conducted without unnecessary waste, there would be a better showing for the tribe.

There is a coterie of white men around Aconta, Shawano and



Green Bay and over that country who seem to make it a business to disparage the Neopit operation. Some of the men principally engaged in that business are lawyers who are dependent in a large measure upon the business which they receive from lumber companies at Oshkosh.

DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS  
WASHINGTON, D. C.

B-a

Room 28, Bureau of Mines.

November 19, 1913.

Dear Commissioner Ayer:

I am pleased to forward  
herewith memorandum on the Menominee Indian  
mills which just came to me from Mr. John J.  
Hannan, Secretary to Senator LaFollette.

Sincerely yours,

*JH Abbot*  
Secretary.

Hon. Edward E. Ayer,  
1515 Railway Exchange Building,  
Chicago, Ill.

DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS

WASHINGTON, D. C.

B-a

Room 28, Bureau of Mines.

November 22, 1913.

Dear Commissioner Ayer:

Replying to your letter of November 20 received this morning concerning the letter of February 5, 1912, I.O File 102661-1911, establishing the stumpage on the different timbers on the Menominee Reservation, I have learned from inquiry at the Indian Office that these stumpage rates were approved by the Indian Office upon the recommendation of Superintendent A. S. Nicholson and that Mr. Nicholson's recommendation was made after consulting with Mr. E. M. Hamelton, lumberman in the Indian service, who was assigned by the Indian Office to a field investigation on the Menominee Reservation. Mr. Hamelton is now on leave in New York. If he returns to that section of the country I shall try to see that you may have a conference with him if you desire.

Sincerely yours,

*Frederick*  
Secretary.

Hon. Edward F. Ayer,  
1515 Railway Exchange Bldg.,  
Chicago, Ill.

# WESTERN UNION NIGHT TELEGRAM

THEO. N. VAIL, PRESIDENT

RECEIVED AT Cor. Jackson Boulevard and La Salle St., Chicago ALWAYS  
OPEN

F210.W.PB. 36 NITE GOVT.

3326

WASHINGTON, DC., NOV. 25, 1913.

E. E. AYER,

RAILWAY EXCHANGE BUILDING, CHICAGO, ILLINOIS.

YOUR TELEGRAM TWENTY FIFTH. J. P. KINNEY, SUPERVISOR OF FORESTS, HAS  
BEEN INSTRUCTED TO PROCEED TO NEOPIT, ARRIVING FRIDAY AND TO CONSULT  
AND COOPERATE WITH YOU.

SELLS, COMMISSIONER.

1136PM.

DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS

WASHINGTON, D. C.

Room 28, Bureau of Mines,

November 16, 1913.

Dear Commissioner Ayer:

Congressman Korop has just told me over the phone that he would mail to-night a copy of his letter to Senator Robinson, chairman of the joint investigation Commission, relating to charges reflecting upon the management of the Menominee Indian mills. Unfortunately Senator Robinson is not in the city and the inclosures referred to are not available. Possibly you will find some of them in the office of Superintendent Nicholson; if not and you want them write or wire Commissioner Sells for the copies filed in the Indian Office. My opinion is that you will find most of this material at Nepoit.

I congratulate you upon the practical and thorough plan you have outlined for making this investigation.

Referring to your suggestion in your letter to the Commissioner of Indian Affairs that a man be assigned to assist you "who is capable of instructing me on the reforestation and present methods of cutting timber", I understand that Mr. J.P. Kinney of the Indian Office has been assigned. It is to be regretted that Mr. J.M. Hamilton who has been representing the Indian Office in the work at Menominee was not available for assignment with you as he is an experienced lumberman and knows the situation there. He is on his leave and his home address is Hermon, N.Y. Should you wish his views or any information peculiarly within his possession you can doubtless secure his views by addressing him through



the Indian Office or at the above address. However, since the cutting on this reservation is required to be in accordance with the plans of the Forest Service, I have secured for your information, through the kindness of the Acting Assistant Forester, a statement concerning the rules followed on this reservation and copies of plans adopted, one in October 1911 and the other in November, 1912, by the Forest Service. This information together with that which you will be able to secure from Mr. Kinney and from the Superintendent of the reservation I hope will cover the situation.

Hon. Edward E. Ayer,  
Chicago.

Sincerely yours,

*J. H. H. H.*  
Secretary.

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
WASHINGTON

ADDRESS REPLY TO  
THE FORESTER  
AND REFER TO:

S - Fed. Coop.  
Menominee, Marking

November 26, 1913.

Mr. F. H. Abbott,  
Room 28,  
Bureau of Mines Building.

Dear Mr. Abbott:

In accordance with my promise over the phone this afternoon I am sending you copies of two plans of marking timber on the Menominee Indian Reservation, Wisconsin, dated respectively, October 9 - 11, 1911, and November 21, 1912. All cutting within the Reservation at the present time is being conducted in accordance with the recommendations in one or the other of these plans.

The silvicultural results which it is believed will follow the cutting are described briefly in the plan of 1911.

You will note that both plans prescribe that the timber shall be designated and not actually marked, since this is considered to be the more practicable method on the areas covered by these plans. The areas which have been lumbered since October 1911 are similar to those described in these plans, and in accordance with the recommendations of Mr. Lincoln Crowell, Deputy

Mr. F. H. A.

Supervisor of Forests on the Reservation, who is a professional forester and in whom we have considerable confidence, these plans have been followed throughout the lumbering operations.

Very sincerely yours,

A handwritten signature in dark ink, appearing to read "Earl H. Clapp". The script is cursive and fluid, with the first name "Earl" being more prominent than the last name "Clapp".

Acting Assistant Forester.

Enclosures.

(Copy)

S  
Fed. Coop.  
Menominee,  
Marking.

November 21, 1912.

The Commissioner of Indian Affairs,  
Department of the Interior.

Dear Sir:

At the verbal request of Mr. Chittenden, I forward herewith a plan of marking timber on the Menominee Indian Reservation, Wisconsin, on the N/2 of NW/4 of Sec. 25, T. 30 N, R. 14 E; a small parcel in the extreme northwest corner of Sec. 30, T. 30 N, R. 15 E., bounded by a burn; and the SE/4 of Sec. 8, S/2 of Sec. 9, S/2 and S/2 of NE/4 of Sec. 10, NE/4 and W/2 of Sec. 16, E/2 of Sec. 17, and N/2 of NE/4 and NE/4 of NW/4 of Sec. 20, T. 29 N, R. 14 E, the areas which were indicated to Mr. Frothingham, of the Forest Service, during a recent visit to the reservation, by the Superintendent of the Menominee Indian Mills, in accordance with the suggestion contained in Acting Secretary Hays' letter of July 18, 1912.

In order to determine whether the method of designating the timber for cutting would be preferable to the actual marking of it, Mr. Frothingham and his party marked the trees on a strip about 100 feet wide, beginning one-quarter mile south of the center of Section 25, T. 30 N, R. 14 E, running north one-half mile, then west one-half mile, ending one-quarter mile south of the northwest corner of Sec. 25. In addition, several small areas were marked

C. of I. A.

in the N/2 of the NW/4 of this Section. The result of these markings demonstrated that it would be more practicable to designate the timber for cutting.

With reference to my letter of November 16, it appears that the area specified in the plan which was enclosed had already been covered by Acting Secretary Hays' letter of July 18, 1912. However, Mr. Chittenden informs me that he would prefer to substitute the plan of November 16 on such portions of these areas as may still remain to be lumbered. The two sets of designations are very similar, except that the one of November 16 prescribes experimental cuttings as to the diameter limits for white pine trees and substitutes hardwood seed trees for a uniform diameter limit.

Very truly yours,

(Signed) A. F. POTTER.

Associate Forester

Enclosure.



MEMPHINEE INDIAN RESERVATION, WISCONSIN

PLAN OF MARKING TIMBER

ON THE

N/2 of NW/4 of Sec. 25, T. 30 N, R. 14 E; a small parcel in the extreme Northwest corner of Sec. 30, T. 30 N, R. 15 E, bounded by a burn; and the SE/4 of Sec. 8, S/2 of Sec. 9, S/2 and S/2 of NE/4 of Sec. 10, NE/4 and W/2 of Sec. 16, E/2 of Sec. 17, and N/2 of NE/4 and NE/4 of NW/4 of Sec. 20, T. 29 N, R. 14 E.

----

Old growth timber in all forest types, including the pure hemlock type, the mixed hemlock, hardwoods, and pine, and the swamps, should be designated for cutting as follows:

All merchantable hemlock trees, except in selected groups, which should be left intact. These groups shall be of small trees, averaging 12 inches or less in diameter at breastheight, and should be at least 1/8 of an acre in extent; in them no trees, irrespective of species should be cut.

All merchantable hardwood trees, except short-bodied basswood, yellow birch, and rock elm, which contain one merchantable 16-foot log or less.

All merchantable pine trees 15 inches and over in diameter at breastheight. Wherever necessary for protection against wind, and it appears feasible, small groups of trees should be left around the pines.

All merchantable trees in swamps.

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE  
MENOMINEE INDIAN MILLS

NEOPIT, WIS.

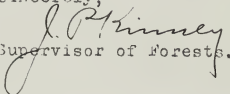
Sept. 4th, 1913.

WHITE PINE  
NORWAY PINE  
BASSWOOD  
ROCK ELM  
SOFT ELM  
BIRCH  
MAPLE  
HEMLOCK  
OAK  
ASH  
SHINGLES  
LATH

My dear Mr. Ayer :-

I shall arrive in Chicago Saturday morning in order to meet parties in connection with the sale of timber on another Indian Reservation. I expect that I shall be able to complete arrangement with them by noon and will ~~possibly~~ call at your office in the afternoon. <sup>at 2 P.M.</sup> I think I shall have my report ready to hand you at that time. Please do not modify in any way your plans. I shall remain in Chicago over Sunday and in connection with other business on Monday, I may call at your office again.

Very sincerely,

  
Supervisor of Forests.

Hon. E. E. Ayer.

K-TMF.

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE  
MENOMINEE INDIAN MILLS

NEOPIT, WIS.

Dec. 5th, 1913

WHITE PINE  
NORWAY PINE  
BASSWOOD  
ROCK ELM  
SOFT ELM  
BIRCH  
MAPLE  
HEMLOCK  
OAK  
ASH  
SHINGLES  
LATH

Hon. Edward A. Ayer,  
Chicago, Ill.

Dear Mr. Ayer:-

Your letter of Dec. 3rd inclosed herewith answer to list of questions submitted. I will see to it that We-is-ke-sit gets your handsome remembrance with your letter and that he understands the spirit of same. Needless to say that ~~my~~ wife and also myself will read Mrs. Ayer's book with interest. We will ever have the kindest remembrances of your visit. Every one here enjoyed the privilege of meeting you and feel the better for your visit. We hope to welcome you again at your convenience.

Very sincerely yours,

*August St. Nicholas*  
Superintendent.

ASN-TMF.

*Expect I may be able to get to Chicago latter part next week.*

JAMES R. GARFIELD  
ATTORNEY-AT-LAW  
1029 GARFIELD BUILDING

CLEVELAND Dec. 9, 1913

Dear Mr. Ayer:

I am pleased to write to the Secretary  
as suggested in your letter of the 6th. Will you  
send me a copy of your report of the Menominee  
Reservation?

Sincerely yours,

*James R. Garfield*

Mr. Howard E. Ayer,  
Board of Indian Commissioners,  
Department of the Interior,  
Washington, D.C.

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE  
MENOMINEE INDIAN MILLS  
NEOPIT, WIS.

WHITE PINE  
NORWAY PINE  
BASSWOOD  
ROCK ELM  
SOFT ELM  
BIRCH  
MAPLE  
HEMLOCK  
OAK  
ASH  
SHINGLES  
LATH

Dec. 22, 1913.

Hon. Edward E. Ayer,

Chicago, Ill.

Dear Mr. Ayer:

Your letter of the 18th regarding letter from Wy-es-ke-sit and his saying that he had heard report that you were not the Indian's friend. There is no question in my mind that this emanated from the so-called Committee who formulated the complaints.

Their great story to the Indian was that all kinds of money was being wasted and spent and that in a very short time no money would be left. When you told some of them that this was not so, that on the contrary their funds were increasing, of course they knew something had to be done to maintain prestige. So the word was passed round that you were not for the Indian.

I have it straight from Dr. Ragan, who met Simon Beauprey, one of the committee. He asked Beauprey how he liked the Investigating Committee and Beauprey answered by saying that the first day you seemed fair but that after that you were against the Indian. That I had fixed you up, etc.

Beauprey is a close associate of Prickett, Longley, Lafrembois, etc. It is common talk that this was the burden of their talks at their meetings held every evening while you were



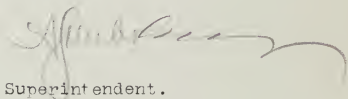
DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE  
MENOMINEE INDIAN MILLS  
NEOPIT, WIS.

WHITE PINE  
NORWAY PINE  
BASSWOOD  
ROCK ELM  
SOFT ELM  
BIRCH  
MAPLE  
HEMLOCK  
OAK  
ASH  
SHINGLES  
LATH

E.E.A.-2.

here. Mr. Tyrell was at these meetings and was one of those who was busy in inflaming the Indian's mind. I feel you must have gathered some of this kind of talk yourself while here.

Respectfully yours,



ASN/MEC.

Superintendent.

DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS  
WASHINGTON, D. C.

Chicago. December 22, 1913.

Mr. John Derosia,

Neopit, Wisconsin.

Dear Sir:

Was it part of the condition of the loan of \$200.00 you made to Mr. Tyrrell to go to Washington that you should be enrolled as a member of the Tribe, or that they would use their efforts to have you so enrolled if you would loan them the money?

Yours very truly,

*Edward S. Ayer*

Indian Commissioner.

Mr. Nicholson

1857

In answer to your letter I would  
say that there was no such a  
thing mentioned between Mr.  
Tyrrell and me

Yours John B. Deane

GEORGE VAUX, JR., PHILADELPHIA, PA., CHAIRMAN  
HERRILL E. GATES, WASHINGTON, D. C.  
WILLIAM D. WALKER, BUFFALO, N. Y.  
WARREN K. MOOREHEAD, ANDOVER, MASS.  
SAMUEL A. ELIOT, BOSTON, MASS.  
FRANK KNOX, MANCHESTER, N. H.  
EDWARD E. AYER, CHICAGO, ILL.  
WILLIAM H. KETCHAM, WASHINGTON, D. C.  
DANIEL SMILEY, MOHONK LAKE, N. Y.  
FREDERICK H. ABBOTT, WASHINGTON, D. C., SECRETARY.

DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS

BUREAU OF MINES BUILDING

WASHINGTON

December 26, 1913.

Room 28, Bureau of Mines.

Dear Commissioner Ayer:

For your information, I will repeat the substance of a telephone conversation, which I just had with Mr. Webster Ballinger, of this City, who is an applicant for a tribal contract with the Menominee Indians and who has been representing several individual members of the tribe before the Department for some time.

Referring to a former telephone conversation with him, in which he said that reports were coming to him to the effect that you had made remarks to Menominee Indians, during your investigation, discouraging them from making contracts with him, he said that he now had evidence to confirm the reports heretofore made to him; that he had verified copies of questions and answers regarding your investigation of affairs on the Menominee reservation which tended to show that you had gone into matters outside of the question of the timber operation and that it was his intention to submit the papers which he had to the Joint Investigating Commission and ask for a thorough investigation. I replied to him that, under the law, you had full authority to investigate anything on the reservation which you cared to and that the question of submitting papers or making requests of the Investigation Commission was one between him and said Commission. Should anything further along this line develop I shall let you know.

Sincerely yours,

Secretary.

Hon. Edward E. Ayer,  
Railway Exchange Bldg.,  
Chicago, Ill.  
FHA/RB.

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE  
MENOMINEE INDIAN MILLS

NEOPIT, WIS. Dec. 26, 1913.

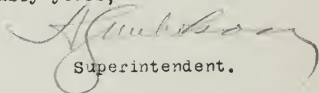
WHITE PINE  
NORWAY PINE  
BASSWOOD  
ROCK ELM  
SOFT ELM  
BIRCH  
MAPLE  
HEMLOCK  
OAK  
ASH  
SHINGLES  
LATH

Hon. Edward E. Ayer,  
Railway Exchange Building,  
Chicago, Ill.

Dear Mr. Ayer:

Replying to your letter of December 23d, the letter you left here addressed to Rev. Father Englehart was delivered to him in person by one of our clerks the next day after your visit.

Respectfully yours,

  
Superintendent.

H

Inclosed letter from John Derosier answered in back of yours. He would not say who was go-between on loan to Mr. Tyrell whom he did not know, but I ascertained that an Indian James Kishkatophy, knew he had money and no doubt suggestion was given by him to Prickett, who was the go-between, because Mr. Prickett phoned from this office that money was O.K. and told Mr. Tyrell to be in Shawano on the day he received same. Mr. Derosier refuses to say if any understanding with members of tribe was made; simply says none with Mr. Tyrell.





THE SECRETARY OF THE INTERIOR  
WASHINGTON

December 27, 1913,

Mr. E. P. Ripley,  
Santa Barbara,  
California.

My dear Mr. Ripley:

I am in receipt of your letter of the 12th, instant, bespeaking the careful consideration, by this Department, of the forthcoming report of Mr. E. F. Ayer on the Menominee Indian Reservation. I want to assure you that the Secretary appreciates the disinterested character of Mr. Ayer's services, and his report will be very thoughtfully studied. The Secretary has met Mr. Ayer only once, but he has formed a very high opinion of his character and integrity, as well as of his ability and judgment; and anything that Mr. Ayer advises in unequivocal terms will be very carefully weighed. With a strong predisposition in his favor, there is no occasion for Mr. Ayer to feel any anxiety at the outcome.

I hope you are having a delightful winter at Santa Barbara. I understand that the early rains have been abundant, and that the country is green and fresh. No doubt you are improving your opportunities for golf.

With the season's greetings to Mrs. Ripley and yourself, I am,

Very sincerely yours,

*Adolph C. Miller*

# United States Senate.

COMMITTEE ON CORPORATIONS  
ORGANIZED IN THE DISTRICT OF COLUMBIA.  
WASHINGTON, D. C.

December 29, 1913.

Hon. Edward B. Ayer,  
Chicago, Ill.

My dear Mr. Ayer:

Just a line to acknowledge the receipt of your letter of December 26th and to thank you for the same. Mr. Tyrrell is here and I suppose I shall have to grant him an interview within a day or two. There will be no investigation ordered by the Senate Committee, at least until after such time as you shall have opportunity to present all the facts of your recent investigation. I believe you will be safe in holding the matter back until February 5th, but it would be well to have it ready in case there was an unexpected demand prior to that time.

Wishing you a very happy and prosperous New Year, I am,

Very truly yours,

*Raunon B. Stanger*

United States Senate.

COMMITTEE ON CORPORATIONS  
ORGANIZED IN THE DISTRICT OF COLUMBIA.  
WASHINGTON, D. C.

December 29, 1913.

Hon. Edward E. Ayer,  
Chicago, Ill.

My dear Mr. Ayer:

Permit me to acknowledge receipt of your letter inclosing a list of the recommendations which you have made with respect to the Menominee Indian Reservation. As soon as I have opportunity, I will give the same careful consideration. I expected to go West during the Holidays, but it is not possible for me to do so.

With all good wishes for a happy and prosperous New Year, I am,

Very truly yours,

*Robert M. La Follette*

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE  
MENOMINEE INDIAN MILLS

NEOPIT, WIS. Dec. 31, 1913.

WHITE PINE  
NORWAY PINE  
BASSWOOD  
ROCK ELM  
SOFT ELM  
BIRCH  
MAPLE  
HEMLOCK  
OAK  
ASH  
SHINGLES  
LATH

Mr. Edward E. Ayer,  
Chicago, Ill.

Gentlemen:

As per your request when last at Neopit we  
are pleased to list below bids received on White Cedar  
Poles.

No. Pcs. in yard		Naugle Pole & Tie Co. Chicago, Ill.	Torrey Cedar Co. Clintonville, Wis.	Folstad Bros. Elcho, Wis.
9	4" 20'	.35	.35 -	.30
6	5" 20'	.45	.45 -	.40
	6" 20'	.55	.55	.50
	7" 20'	.60		
	4" 25'	.45	.45	
53	5" 25'	.60	.60 -	.55
	6" 25'	1.25	1.15	1.15
34	7" 25'	1.50	1.50 -	1.35
	5" 30'	1.60		
13	6" 30'	1.75	1.75 -	1.75
30	7" 30'	3.00	3.15 - 4.50	2.75
	5" 35'	2.00		
	6" 35'	3.25	3.25 9.00	3.00
18	7" 35'	4.75	5.25	5.00
	6" 40'	5.00		
11	7" 40'	6.50	6.00	6.00
	6" 45'	7.00		
2	7" 45'	8.50	8.50 -	7.00
	6" 50'	9.00		
4	7" 50'	10.00		9.00
	7" 55'		10.00	11.00
	7" 60'		16.00	15.00

We accepted of the bid by the Naugle Pole  
& Tie Co.

Yours very truly, MENOMINEE INDIAN MILLS

By *W. H. Newell*  
SALES MANAGER

GEORGE VAUX, JR., PHILADELPHIA, PA., CHAIRMAN  
MERRILL E. GATES, WASHINGTON, D. C.  
WILLIAM D. WALKER, BUFFALO, N. Y.  
WARREN K. MOOREHEAD, ANDOVER, MASS.  
SAMUEL A. ELIOT, BOSTON, MASS.  
FRANK KNOX, MANCHESTER, N. H.  
EDWARD E. AYER, CHICAGO, ILL.  
WILLIAM H. KETCHAM, WASHINGTON, D. C.  
DANIEL SMILEY, MOHONK LAKE, N. Y.  
FREDERICK H. ABBOTT, WASHINGTON, D. C., SECRETARY.

DEPARTMENT OF THE INTERIOR

BOARD OF INDIAN COMMISSIONERS

BUREAU OF MINES BUILDING

WASHINGTON

*Fits*  
COPY

Washington, D. C. Dec. 31, 1913.

F. H. Abbott, Secretary,  
Board of Indian Commissioners,  
Washington, D. C.

My dear Mr. Abbott:

As per request I am returning to you the statement pertaining to the Board of Indian Commissioners. I am of an entirely different mood relative to this Board of Indian Commissioners than I was when you saw me. I at that time thought that this Board of Indian Commissioners was of some service, and Mr. Smiley and you gave me that impression. You also told me that Mr. Ayer, who was sent to make an investigation of the milling operations at Neopit, Wis., was sent there to make a bona fide honest investigation of the milling operations. From the testimony that he has been gathering at that place, and from the notes that he has done over there, I have lost absolutely all confidence in his investigation and I think the investigation is absolutely a farce. I think it is an investigation to white wash Nicholson of any complaints that may be made against him.

I am sending you a sample copy of some of the testimony that this man has taken, from which it clearly appears that he is not making an investigation of the business operations at Neopit, but is prying into extraneous matters, belittling the complaints and complainants. I want to ask you whether or not in your opinion you think that such an examination has anything whatever to do with business operations at Neopit. This little bit of testimony will convince any man that this man Ayer instead of being there to investigate matters for the benefit of the Indians is there to pry into the complaints made and belittle them as much as possible.

Very truly yours,

(Signed) Thomas F. Kenop.



GEORGE VAUX, JR., PHILADELPHIA, PA., CHAIRMAN  
MERRILL E. GATES, WASHINGTON, D. C.  
WILLIAM D. WALKER, BUFFALO, N. Y.  
WARREN K. MOOREHEAD, ANDOVER, MASS.  
SAMUEL A. ELIOT, BOSTON, MASS.  
FRANK KNOX, MANCHESTER, N. H.  
EDWARD E. AYER, CHICAGO, ILL.  
WILLIAM H. KETCHAM, WASHINGTON, D. C.  
DANIEL SMILEY, MONROE LAKE, N. Y.  
FREDERICK H. ABBOTT, WASHINGTON, D. C., SECRETARY.

DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS  
BUREAU OF MINES BUILDING  
WASHINGTON

January 5, 1914.

Dear Commissioner Ayer:

I have your letter of December 30th regarding the placing of your report before the Secretary of the Interior and Commissioner of Indian Affairs, before the Senate Committee commences an investigation of the Menominee situation. Immediately upon receipt of your letter, I went to the office of Senator Robinson, Chairman of the Joint Commission, and advised the Senator's secretary (the Senator being absent from the city) that you had gone into matters at Menominee thoroughly and that you would be glad to give the Commission the benefit of your investigation. The following day, Saturday, Chairman Vaux, Commissioner Eliot and myself went before the House sub committee on Indian Affairs in support of an increased appropriation for the Board. At that hearing Chairman Stephens inquired about your investigation at Menominee and was informed concerning the request in your letter of December 30th. He also asked if you were in any way connected with the manufacture of lumber marketed from the Menominee reservation and if I were not a personal friend of Superintendent Nicholson. These two questions will indicate to you the line of attack which has been made upon your investigation. For your information I am enclosing a letter received Saturday from Congressman Kenop. This communication explains itself. The nature of the criticisms made, I consider, a very high compliment to the thoroughness of the methods pursued by you in your investigation.

Chairman Stephens assured me that February 1st would be early enough for the Joint Commission to see you; therefore, it will be unnecessary for you to make yourself the trouble of an earlier trip to Washington. In view of the fact that Commissioners Eliot and Ketcham will arrive in Washington about February 2nd with data for their reports which they will probably want to prepare here in the office, it would be advisable, perhaps, if you could arrange to come on a few days in advance.

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE

KESHENA SCHOOL  
KESHENA, WIS.

January 6, 1914.

Mr. Edward E. Ayer,  
Chicago, Illinois.

Dear Mr. Ayer:

Pursuant to a request from Mr. Nicholson,  
I have taken up the matter of distributing the four  
Grand Army buttons to veterans of the local post,  
and at their meeting last Saturday, these were  
handed out to the following:

Frank Maskewit, Keshena, Wis.	
Louis Shawano	do
Wyeskesit	do
Henry Wollott,	do post Commander.

These people seemed very much pleased at your  
kindness and I thank you for them.

With personal regards from myself and wife,  
I remain, Very respectfully,

*H. P. Marble*

HPM/H

Assistant Superintendent.

The usual efforts have been made to deprive the Board of its appropriation. However, we had a very courteous hearing last Saturday and Commissioners Vaux and Elliot presented the Board's case strongly, and I feel encouraged to hope that we shall be able to secure an increased appropriation. It would help very greatly if Secretary Lane might see his way clear to recommending an increase over his former estimate. The sub committee was asked to incorporate an item for \$15,000.00 for us in the pending Bill.

Sincerely yours,

*Frederick A. Ayer*  
Secretary.

Honorable Edward T. Ayer,  
Railway Exchange Building,  
Chicago,  
Ill.

THOMAS F. KNOX, WIS., CHAIRMAN.  
FRED J. GARRETT, TENN.  
ADOLPH J. SABATH, ILL.  
JEREMIAH DONOVAN, CONN.  
HARRY H. DALE, N. Y.  
JOHN J. ESCH, WIS.  
JAMES C. MC LAUGHLIN, MICH.

House of Representatives U. S.  
Committee on Expenditures on Public Buildings  
Washington, D. C.

January 10, 1914.

Mr. Edward E. Ayer,  
Railway Exchange Bldg.,  
Chicago, Ill.

My dear Sir:

I have your letter of January 8th and I was certainly glad to hear of your threat. It will make excellent campaign material for me. You do not scare me a little bit. I am patiently awaiting your report, but I know from the character of your investigation over there what it will be. I am very glad that you sent a copy of my letter to Mr. Sells and Secretary Lane. This letter was not sent to you, and if Mr. Abbott has forwarded it to you that is his business and not my business. I am glad the letter is to become a part of the record.

Yours truly,

Thomas F. Knox

TFK/D

GEORGE VAUX, JR., PHILADELPHIA, PA., CHAIRMAN  
MERRILL E. GATES, WASHINGTON, D. C.  
WILLIAM D. WALKER, BUFFALO, N. Y.  
WARREN K. MOOREHEAD, ANDOVER, MASS.  
SAMUEL A. ELIOT, BOSTON, MASS.  
FRANK KNOX, MANCHESTER, N. H.  
EDWARD E. AYER, CHICAGO, ILL.  
WILLIAM H. KETCHAM, WASHINGTON, D. C.  
DANIEL SMILEY, MOHONK LAKE, N. Y.  
FREDERICK H. ABBOTT, WASHINGTON, D. C., SECRETARY.

DEPARTMENT OF THE INTERIOR  
BOARD OF INDIAN COMMISSIONERS  
BUREAU OF MINES BUILDING  
WASHINGTON

January 10, 1914.

Dear Commissioner Ayer:

I have your letter of January eight, immediately upon receipt of which, I called up Chairman Stephen's office and read to his Secretary, the paragraph in your letter referring to the utter absence of any connection on your part with the Wisconsin lumber business, and told him that I would communicate this information in a letter, which I will mail him today.

I am sorry if my reference to your investigating the "mill" at Menominee has led to any misunderstanding of any kind. I am sure I have never said anything to any one that would warrant the assumption that you had no authority to make your investigation as complete as you might see fit to make it. Perhaps I have been unconsciously influenced, in referring to your investigation, by the fact that, while I was in the Indian Bureau, I had myself caused an investigation to be made of all charges filed, reflecting upon the superintendent, except those relating to the management of the mill, and I had instructed the inspector who investigated the other charges not to take up any charges relating to the mill for the reason that he had no particular knowledge of the lumber business. You can see therefore how I would naturally look upon the investigation of the mill as the "unfinished business," so to speak, of the reservation. However, since these criticisms, referring to me personally, have been injected into this case, it is certainly very fortunate that you have looked into the whole situation.

I am not in the least surprised at your letter from Mitchell Oshkenaniew. However, I shall take up the matter exactly as you request and write you promptly the results.

You will be interested to read the enclosed copy of the clipping from yesterday morning's "Washington Post", which discloses, as you will see, a program for doing away, not only with the Secretary of the Interior, in connection with Indian Affairs, but also this Commission.

Sincerely yours,

*F. H. Abbott*  
Secretary.

Hon. Edward E. Ayer,  
Chicago, Ill.



(Copied from Washington Post, January 9, 1914.)

### HAS NEW PLAN FOR INDIANS.

-----  
Robinson would have independent  
Commission control them.

For the better administration of Indian affairs, Senator Joseph T. Robinson, of Arkansas, has thought out a new plan for a bureau independent of the Interior Department. The plan has the approval of Otto Sells, commissioner of Indian affairs, and will be urged upon Congress.

Senator Robinson contends that the Interior Department is overburdened, and would create a commission of three members, of which the commissioner of Indian affairs would be the chief as the administrative force, and also take over the work of the civil commission.

Representative Carter yesterday announced that he would offer an amendment to the Indian appropriation bill providing for the consolidation of the Indian bureaus in Oklahoma, which handle the business of the five civilized tribes and the appointment by the President of a commissioner at an annual salary of \$5,000. MR. Carter believes that the two officials now in charge of this work have not shown proper diligence in winding up the tribal affairs and paying to the Indians the amounts of money due them from the government for their lands. The Indians, he says, need this money for the purpose of developing their allotments.

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GEORGE VAUX, JR., PHILADELPHIA, PA., CHAIRMAN  
MERRILL E. GATES, WASHINGTON, D. C.  
WILLIAM D. WALKER, BUFFALO, N. Y.  
WARREN K. MOOREHEAD, ANDOVER, MASS.  
SAMUEL A. ELIOT, BOSTON, MASS.  
FRANK KNOX, MANCHESTER, N. H.  
EDWARD E. AYER, CHICAGO, ILL.  
WILLIAM H. KETCHAM, WASHINGTON, D. C.  
DANIEL SMILEY, MONROVIA, N. Y.  
FREDERICK H. ABBOTT, WASHINGTON, D. C., SECRETARY.

DEPARTMENT OF THE INTERIOR

BOARD OF INDIAN COMMISSIONERS

BUREAU OF MINES BUILDING

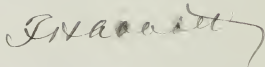
WASHINGTON

January 10, 1914.

Dear Commissioner Ayer:

Complying with your request, in your letter of January eight, I called on Mr. Meritt, the Assistant Commissioner of Indian Affairs, and left with him the copy of Mitchell Oshkenaniew's letter. Mr. Meritt denied that he was favoring Mr. Tyrrell and said that he thought very highly of you personally and would do nothing in any way to interfere with your investigation. I also showed your letter and enclosure to Mr. H.A. Meyer, Private Secretary to Secretary Lane, who assured me that he Secretary has great respect for you personally and officially and that he would await with interest your report.

Sincerely yours,



Secretary.

Hon. Edward E. Ayer,  
Chicago, Ill.

GEORGE VAUX, JR., PHILADELPHIA, PA., CHAIRMAN  
MERRILL E. GATES, WASHINGTON, D. C.  
WILLIAM D. WALKER, BUFFALO, N. Y.  
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WILLIAM H. KETCHUM, WASHINGTON, D. C.  
DANIEL SMILEY, MOHONK LAKE, N. Y.  
ISIDORE B. DOCKWEILER, LOS ANGELES, CAL.  
FREDERICK H. ABBOTT, SECRETARY,  
WASHINGTON, D. C.

BUREAU OF MINES BUILDING

DEPARTMENT OF THE INTERIOR

BOARD OF INDIAN COMMISSIONERS

WASHINGTON, D. C.

Jan. 19, 1914,

Dear Commissioner Ayer:

Your report just came and  
copies have been delivered as  
you requested.

I have just read hurriedly  
your recommendations and general  
statement of your findings<sup>and highly constructive</sup>.  
It is a statistmanlike<sup>x</sup> report<sup>x</sup>. It will  
impress and convince all unpre-  
judiced men who read its value,  
apart from menominee, in showing  
that the Government can  
successfully operate sawmills  
to manufacture Indian timber,  
is so great that it cannot be  
measured and stated in terms of  
money. You have done a great  
work; this one report of yours on this  
one great subject one-hundred fold justifies  
the existence of the Board of Indian  
Commissioners and repays the Government

2

GEORGE VAUX, JR., PHILADELPHIA, PA., CHAIRMAN  
MERRILL E. GATES, WASHINGTON, D. C.  
WILLIAM D. WALKER, BUFFALO, N. Y.  
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FREDERICK H. ABBOTT, SECRETARY,  
WASHINGTON, D. C.

BUREAU OF MINES BUILDING

DEPARTMENT OF THE INTERIOR

BOARD OF INDIAN COMMISSIONERS

WASHINGTON, D. C.

For all its past appropriation for  
the Board - Accept my earnest  
congratulations & I am perfectly  
delighted!

Sincerely,

L. H. Cressat

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE  
MENOMINEE INDIAN MILLS  
NEOPIT, WIS.

WHITE PINE  
NORWAY PINE  
BASSWOOD  
ROCK ELM  
SOFT ELM  
BIRCH  
MAPLE  
HEMLOCK  
OAK  
ASH  
SHINGLES  
LATH

Feb. 3, 1914.

Hon. Edward E. Ayer,  
Washington, D. C.

Dear Sir:

I have your letter of Jan. 30th concerning the details sent you with summary. We do not need the same and you can destroy them if they have served your purpose. I only forwarded them as the itemized figures bear out the totals in the summary.

For your information I am in receipt of a letter from Louis Lafrombois, dated Jan. 30, 1914, from which I quote:

"You hate us, I know, because I am against you. If you knew the situation as it is you would not blame me. It was your lately appointed officer got me into this." "My position is known and perfectly understood. You will find Mr. Mitchell Oshkenaniew is to blame for all trouble as far as I am concerned." Signed, Louis Lafrombois.

Respectfully,



ASN/MEC.

Superintendent.

*This only bears out what I thought. a lot of poor mis-led fellows. Mr. Tyrell had another meeting in Shawano today with Prickett & others. Had letters to show them which he said he could not let out of his hands. Also another collection was taken up and donated to his capacious pocket.*



(C O P Y).

THE SECRETARY OF THE INTERIOR  
WASHINGTON

February 6, 1914.

Dear Mr. Vaux:

At a conference with Commissioner Sells, Mr. Ayer and Mr. Dockweiler we have thought it best that the reports that are made by your board, or a member thereof, to the Commissioner of Indian Affairs or myself are not to be given publicity before we have had an opportunity to make such examination of them as we desire, and consult with the members of the commission regarding them. It is understood that all publications of the reports of the commission shall be held till released by the Commissioner of Indian Affairs, or the Secretary.

Cordially yours,

(signed) FRANKLIN K. LANE

Hon. George Vaux, Jr.,

Chairman, Board of Indian Commissioners.

DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE  
MENOMINEE INDIAN MILLS  
NEOPIT, WIS.

WHITE PINE  
NORWAY PINE  
BASSWOOD  
ROCK ELM  
SOFT ELM  
BIRCH  
MAPLE  
HEMLOCK  
OAK  
ASH  
SHINGLES  
LATH

Dear Mr. Ayer

February 12<sup>th</sup> 1912

Inclosed send logs cut before my  
arrival here. I came on Reservation in charge

June 30 - 1910 - Took complete charge of Mill Oct 1 - 1910

Mr. Braung in charge up to Nov. 1<sup>st</sup> 1909

Mr. Reilly " " " Oct. 1<sup>st</sup> 1910

of the earlier cut no scale records of species  
cut was made or could be found. It was put  
in by Indian contractors. Prior to my arrival no  
stampage charge was charged as part of cost  
or figured at all in operation.

I wish you all kinds of good things in your  
trip abroad. Wish I could go also. Have a  
stein or two for me.

in haste  
to get mail

Sincerely

J. H. H. H.

Will be in Milwaukee next week. Depart



THE SECRETARY OF THE INTERIOR  
WASHINGTON

February 13, 1914.

Mr. Edward E. Ayer,  
Railroad Exchange Building,  
Chicago, Illinois.

My dear Mr. Ayer:

Senator Owen will be given a chance to repeat the statement made to you to Secretary Lane. No one will be surprised. He will simply confirm the impression that obtains pretty generally in this Department of the gentleman in question. His reputation for being a crook seems to be pretty well established.

Always faithfully yours,

Assistant to the Secretary.

Dear Mr. Sells:

I have yours of November 20th, including the letter from Dr. D. F. Tirrell; also the photographs. Be assured that I will go into this thing carefully, upon my arrival at the Reservation.

I have written Dr. Tirrell and asked him the years that the timber he speaks of was cut, as he does not give them in his letter to you. I don't think any of you want any more information than you have got on the early start of this plant, but I will try and get you anything I can find for the last two years and make some suggestions, if I feel that I can suggest anything that will be better than they are already doing.

I wish, in the man you send, you would try and send me a practical man who is capable of instructing me on the reforestation and present methods of cutting timber.

I shall leave here Friday morning, accompanied by the Secretary & Treasurer of my company, who is an expert bookkeeper, whom I shall take along simply to see if he has any suggestions to make whereby the records can be improved; also my stenographer and the General Superintendent of our company, whom I calculate to send into the woods with the Superintendent there and examine the last two years' cutting and see if there has been anything left, or anything done that ought not to have been done. We will leave Friday morning and should arrive at the plant Friday night. If you will have your man join us here or there I will thank you very much.

Yours very truly,

Honorable Cato Sells,  
Commissioner, Indian Affairs,  
Washington, D. C.

Chicago. December 2, 1913.

Mr. D. F. Tirrell,

Gillette, Wisconsin.

Dear Sir:

I have been thinking over what I said to you about writing Mr. Sells a letter requesting permission for you to look over the books of the institution. You asked me to also include Mr. Ballinger; of course that's a gentleman I don't know at all and it would be presumptuous for me to make this request. Even then I would do it if I thought it were not in your power to get it any other way, but if it is proper to be given at all I am very sure Commissioner Sells will accomodate you.

*to Mr. Sells*

Yours very truly,



Chicago. December 3, 1913.

Mr. A. S. Nicholson, Superintendent,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

I am sending you the line of questions that I would like to have Mr. Anderson put in proper form with the other information gained at the plant. I am also inclosing a letter I have written Mr. Wyeskesit: I wish you would have Mr. Frank Gauthier interpret it. I am also sending Mrs. Nicholson today a copy of Mrs. Ayer's book, "A Motor Flight Through Algiers and Tunis."

I have written to the Library Association in Madison asking if one of the travelling libraries cannot be located at Neopit.

I wish you would give our kindest regards to all the force that we met there. Thanking you again for the many courtesies extended to myself and the gentlemen accompanying me, I remain,

Yours most respectfully,

E. E. G.

Inclosures(2).

Chicago. December 4, 1913.

Mr. A. S. Nicholson, Superintendent,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

I am sending you four questions  
in addition to the eleven I sent you yesterday,  
which I would like to have you answer. In putting  
these questions and your replies in proper form it  
would facilitate matters if you would kindly refer,  
in your answer, to the number of the question  
answered.

Very truly yours,

S.S.A.

Chicago. December 4, 1913.

Mr. A. S. Nicholson, Superintendent,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

I was not satisfied, while I was up to your place, with the railroad facilities there. A road practically without cars and two rates on everything must make it very expensive and very dilatory in handling your business there.

I feel quite sure we can get the North-Western to build over from the West: it doesn't, from the map, seem to me to be more than eight or ten miles, and this would mean but one rate to all over the country, saving practically the entire rate paid to the road that is now there.

Please write me fully explaining just exactly how much rate they get, etc. and what you consider the extra cost of handling a car; and the way it ought to be if we got the North-Western to come in there, when they would take the North-Western rate to all competitive points.

I don't know whether we could do it



Mr. Nicholson


-2-

12-1-1913.

or not: I am going to find out what the rates would be and I think it would be a substantial saving on the out of the mill.

I am going to make this recommendation in my report and you can so notify the Indians: I think they would be glad to know of any recommendations that would make them any more money.

Yours very truly,



Chicago. December 6, 1913.

Mr. A. S. Nicholson, Superintendent,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

Of course I never calculated to give my report in on the subject of the Reservation without giving you a perfectly fair chance to answer all the charges brought against you by anybody. I had dictated questions No. 17 and 18 for you to answer this morning before reading your letter of December 4th in regard to Oshkananiew. Question No. 18 was framed for the exact purpose of letting you give me any information you desired on the causes of the trouble, the men that fomented it, etc.

Yours very truly,



18 Questions  
By [unclear]

1. You are the Manager and Agent of the Menominee Indian Reservation, are you not? (Answer).

✓ 2. I find a good deal of complaint about your management here, by a portion of your charge. In a general way please tell me why these men that are dissatisfied are not at work. (Answer).

2 3. What is the past experience of this plant on logging contracts to Indians? (Answer).

✓ 4. They also seem to think that they at least ought to be made bosses of the camps in the woods. From your experience on the reservation the last three years, do you think this is practical? (Answer).

✓ 5. How many thousand feet of miscuts have been sawed in the past year? (Answer).

✓ 6. How much wastage was there on your inventory, or in other words, shortage? (Answer).

✓ 7. What is your system of selling and collecting? (Please answer fully, describing methods of selling the square timber, prices, etc.)

✓ 8. What is your idea about helping the trustworthy, industrious Indians to become farmers and give them say seven or eight hundred dollars out of their individual share of the money in Washington to the tribe's credit? (Answer).

✓ 9. There seems to be a great desire of the tribe to have a portion of this money. If the Government should give every Indian on the reservation \$500 of their money, in the usual way, what method do you suggest of conserving this amount, taking care of that portion of it given to minors, and men addicted to the use of liquor, etc? (Answer).

10. What do you think of the idea of selecting four or six of the highest grade young men on the reservation and sending them to Wisconsin Agricultural College at Madison to take a full course in forestry and agriculture, that they may come back to the reservation and teach all those farmers that there are, or will be, the proper methods of farming, raising and care of stock, etc.? (Answer).

✓ 11. What is your idea about the advisability of having the entire reservation thoroughly examined, and timber upon it estimated, showing the quality of land also, in each section? (Answer).

Dec. 3, 1913.

12. I understand that the snow went off earlier than usual this past Spring: is that true? If so was it any hindrance towards cleaning up the logs cut during the season? Have there been any efforts made during the summer and Fall to skid such logs, getting them ready to haul the coming winter? Are there any logs left, - if so what quality and amount, - that has been cut during the seasons of the winters of 1910, 1911 and 1912? Is it possible to get any that may be left to the mill? Was there any effort made to keep those that were left from being wormed by the worms?

13. While there I told all the Indians I came in contact with what I was going to recommend. You may tell them that I shall also recommend that each member of the tribe be paid the sum of \$500.00 out of their tribal funds in Washington, but I shall frame this with the original idea of advancing money to men who will clean up the land and go to farming. Those men should have an additional sum of \$300.00 or \$400.00 to be charged to their individual share of the funds remaining in Washington. What is your opinion on this?

14. In the contracts made for lumber and pine in the tree, were those contracts let strictly in conformity to the rules of the Department for selling lumber at the mill?

15. What are the rules of the Department for selling the lumber out?

Dec. 5, 1913.

16. Will you be kind enough to give me a little synopsis of your method of taking care of the old, sick and young Indians who can do nothing for themselves on the reservation; is there money appropriated for that, etc.

17. We understood, while at Neopit, that the season broke up very early last Spring. How much earlier than usual and what effect did that have on temporarily leaving logs in the woods. How many feet of logs have you cut since you took possession of the mill: give me this by seasons please,- 1910-11, 1911-12 and 1912-13.

18. Give me your version of the trouble that has arisen on the reservation. How many Indians have been interested, and what have been the characters of those that have been fomenting this trouble and has there been, to your personal knowledge, any white influence brought to bear?

Dec. 6, 1913.

Chicago. December 6, 1913.

Mr. A. S. Nicholson, Superintendent,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

I inclose one question more to  
the three sawyers, which I wish you would present  
to them and get their answers and forward to me.

Very truly yours,



Chicago. December 6th, 1913.

Mr. A. S. Nicholson, Superintendent,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

I would like to know, very much,  
about those meetings at Shawano, how many there  
was of them, the dates, and whether Indians  
were present with the other two gentlemen. If  
you can get any information on this I wish you  
would sent it to me.

Yours very truly,

Chicago. December 9th, 1913.

Mr. A. S. Nicholson, Superintendent,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

Of all the logs you have cut, of every name and nature, including cedar, what would they average a thousand feet of lumber? (Question #19).

I have received the letter from your dear daughter. I am like the Indian, I have got to wait and "pull myself together" before answering it.

Yours very truly,

Chicago. December 9th, 1913.

Dear Mr. Sells:

I received yours of December 4th, giving me copy of a letter written by Mr. Tyrrell to Webster Ballinger, on November 24th.

Mr. Tyrrell was just in my office discussing matters with me, very properly wanting to find out whether I would recommend their firm for the attorneys of the Indian tribe, and a copy of our conversation will be part of my report, eventually. If there is ever any intention to appoint any attorneys for the tribe I wish it might be deferred until you have an opportunity of accepting my report, which I will bring to Washington in due time.

Yours most respectfully,

Hon. Cato Sells,  
Com'r Indian Affairs,  
Washington, D. C.

Chicago. December 10, 1913.

Dear Mr. Sells:

It will be some time before I will get my report ready, as there is a good deal of work yet on it, but I want to take the liberty of recommending the changes outlined on the attached pages that, in my judgement, would be beneficial to the Menominee Reservation.

I have also sent a copy of these recommendations to Secretary Lane.

Yours very truly,

Hon. Cato Sells,  
Com'r, Indian Affairs,  
Washington, D. C.

Chicago. December 10, 1913.

Dear Mr. Lane:

It will be some time before I will get my report ready, as there is a good deal of work yet on it, but I want to take the liberty of recommending the changes outlined on the attached pages that, in my judgement, would be beneficial to the Menominee Reservation.

I have also sent a copy of these recommendations to Commissioner Sells.

Yours very truly,

To the Honorable  
Secretary, Franklin K. Lane,  
Department of the Interior,  
Washington, D. C.



Chicago. December 10, 1913.

Senator Robert LaFollette,

Madison, Wisconsin.

Dear Senator:

I am inclosing a copy of a list of recommendations I am making in connection with the Menominee Indian Reservation. I am sending this on in advance to you, Secretary Lane and Commissioner Sells. My report will be ready later and I will be glad to send you a copy.

Very truly yours,

Chicago. December 10, 1913.

Mr. D. F. Tyrrell,  
c/o Webster Ballinger,  
1415 G. Street, N.W.  
Washington, D. C.

Dear Sir:

You mentioned several times, at Neopit, that you thought there was plenty of Indians there perfectly capable of running logging camps and to take almost any position around the plant, or in the woods. Would you be kind enough to give me the names of those you think would be capable of that kind of work? I certainly agree with you that wherever possible such Indians should be worked in as good places as they can fill.

Yours very truly,

copy to  
Mr. D. F. Tyrrell,  
Gillette, Wisconsin.

Chicago. December 11th, 1913.

Dear Mr. Abbott:

I would greatly appreciate any information you can give me on Webster Ballinger, an attorney of your city, or on Mr. D. F. Tyrrell, an attorney of Gillette, Wisconsin. Has Mr. Tyrrell, to your knowledge, since you have been there, made application for appointment as legal representative of the Menominee Indians at Neopit? My understanding is that Mr. Ballinger and Mr. Tyrrell are partners. Will you kindly furnish me with any information you may have?

Yours very truly,

S. S. Co. W

P.S. This letter is confidential.

Mr. F. H. Abbott,  
Room 28, Bureau of Mines,  
Washington, D. C.

Hear Mr. Sells:

I received your letter, with inclosure from Mr. Ballinger, saying that they had commenced to clean up at the Mill.

The Mill closed down the last week in October and the process of semi-annual cleaning up commenced immediately, by or before the 1st of November. The other occasion for cleaning up is the ten days the Mill is usually shut down, from the 1st to the 10th of July.

I am finding this investigation a very big job on account of its magnitude and importance, and shall make my investigation as complete as possible. I have the work well in hand as far as the investigation of the plant, surroundings and conditions of logging and all that sort of thing are concerned, and shall go back to the Reservation tonight to look over the condition of the Pagan part of the tribe.

When you see Secretary Lane I wish you would give him my kindest regards: tell him that I shall certainly try to make as exhaustive an investigation as the subject demands.

Very truly yours,

December 14, 1913.

To  
Honorable Cato Sells,  
Com'r, Indian Affairs,  
Washington, D. C.

Chicago. December 18th, 1913.

Mr. A. S. Nicholson, Supt.,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

I received a letter from Wyeskesit in which he says, "I cannot say in words, for I did not think that you were my friend, but I see you are; but the report I heard was that you was not the Indian's friend." It is evident that there was a report up there that I was not a friend of the Indians. See if you can find out who circulated the report.

We arrived home all safe this morning.

Yours very truly,



Chicago. December 19th, 1913.

Mr. A. S. Nicholson, Supt.,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Sir:

Can't you send me, at your very early convenience, a corrected map showing the logging since you have been there, with a description of whether it was burned over or wind blown? I would like to have it accompany my reports and I want to show what was gone over by the inspectors, including Holland, Smith, all that Kinney went over, and all that Brigham and Crowell went over.

Yours very truly,

Chicago. December 19th, 1913.

Dear Mr. Sells:

I have just returned again from the Menominee Reservation and I send you a copy of the letter that I have written Secretary Lane today. As soon as I can get my reports written up I will bring them to Washington.

Thanking you most sincerely for information furnished and the interest you have taken in my work, I remain,

Yours most respectfully,

To  
Honorable Cato Sells,  
Com'r Indian Affairs,  
Washington, D. C.

Chicago. December 19th, 1913.

Dear Mr. Lane

I may seem slow in making my report on the Menominee Reservation, but I found the subject a great deal larger than I expected. I shall carefully report on all charges and all conditions as I find them. I just returned again, yesterday, having spent three days, most of the time amongst the Indians away from Neopit, that is, the Christianized farmers and the Pagan Indians. I think you and Mr. Sells will agree with me, upon getting my report, that it would be a calamity to this tribe and all its interests to have any attorneys appointed for them.

Yours very respectfully,

To The Honorable,  
Secretary, Franklin K. Lane,  
Washington, D. C.

Chicago. December 22, 1913.

Mr. A. S. Nicholson, Supt.,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

Will you kindly see Mr. Deresia  
and get his answer to the inclosed letter to him,  
and send it to me?

Yours very truly,

Chicago. December 22, 1913.

Mr. Louis LaFrombois,

Neopit, Wisconsin.

Dear Sir:

I have your letter of December 17th, in answer to mine asking you if you mortgaged your place to raise \$250.00 to send Mr. Ballinger. It was so reported about the time I was there. The following is a part of Mr. Thomas Prickett's testimony:

Mr. Ryer: Q. Do you know that LaFrombois mortgaged his place and sent \$250.00 to Mr. Ballinger?  
Mr. Prickett. A. No, I do not think so.  
Q. You never heard that he sent any?  
A. I think he did.  
Q. You have heard of it?  
A. Yes.  
Q. How much was that?  
A. That was \$250.00 that we raised for Mr. Ballinger.  
Q. Then you raised \$125.00 later for Mr. Tyrrell?  
A. Yes, for his expenses.  
Q. That money was raised by LaFrombois, the \$250.00?  
A. Yes.  
Q. You do not know whether he mortgaged his place or not?  
A. No, he had no real estate to mortgage. He had friends and raised the money.  
Q. So that makes \$375.00 the Tribe has raised altogether?  
A. Yes.  
Q. When was the money sent to Mr. Ballinger?  
A. Just before you came up the other time.



Mr. LaFrombois

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12-22-1913.

I think you will agree with me that Thomas Prickett is pretty good authority as to what transpired in connection with money for the attorneys.

Yours truly,

Indian Commissioner.

Chicago. December 22, 1913.

Mr. John Derosia,

Neopit, Wisconsin.

Dear Sir:

Was it part of the condition of the loan of \$200.00 you made to Mr. Tyrrell to go to Washington that you should be enrolled as a member of the Tribe, or that they would use their efforts to have you so enrolled if you would loan them the money?

Yours very truly,

Indian Commissioner.

Chicago. December 23, 1913.

Mr. A. S. Nicholson, Supt.,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

The last day I was at your place  
I wrote a letter for the Catholic priest and left  
it on your desk. Do you know whether it was ever  
delivered to him or not? Wish you would see  
whether it was delivered, and if not do so at your  
earliest convenience.

Yours very truly,

Dict/EEA

Chicago. December 26, 1913.

Hon. Robert M. LaFollette,

Washington, D. C.

Dear Senator:

I received your telegram this morning reading "Copy of your report received; do not expect to be West during the Holidays." The report sent to you is only an outline of a few recommendations I shall make for changes at the Menominee Reservation, and there will be several more. I have given the entire reservation a very thorough examination:- the cutting of logs, the sawing of timber, the selling of lumber, Indian labor, White labor, Missionaries, Christian Indians, Pagan Indians, influences at work on the reservation from outside and in, etc.

I don't think the lawyers, Mr. Tyrrell of Gillette who was with my experts several days during the investigation of timber land etc., and Mr. Ballinger of Washington, are going to be at all satisfied with my report. In fact, after Mr. Tyrrell had the nerve to come to my office to see if I would not recommend them for attorneys at \$8,000 a year, I understand he has made several efforts to discredit the investigation, in Washington, where he proceeded immediately upon leaving me.

There is a great deal of labor in this report and it would not be ready anyway until along about the 10th or 12th of January and I don't want to bring it to Washington until the meeting the 5th of February. I am quite sure these men will try to get a Senate Investigation of the Menominee Indians, but if that is determined upon I sincerely hope it can be postponed until my report is received and digested. I am writing you this letter that if it comes up at all you can see that it is postponed, if you so desire.

You will be gratified to know that with

Mr. LaFollette

-2-

12-26-1913.

all the misfortunes of the first two or three years of the Mill, in location and management, there is no question but what it is turning out a wise proposition and that the Indians will be improved immensely by having it.

If you think I ought to hurry this up and come to Washington before the 5th of February I will be very glad to do so, but I of course have a good deal to do and would prefer to wait.

Yours very sincerely,



Chicago. December 27th, 1913.

Dear Mr. Sells:

Our Indian Commission meet in Washington February 5th, and I have got to be present. I could have my report ready to bring to Washington some time from the 7th to the 12th of January, but if you don't think it would make any difference I would like to delay it until I come to the meeting of the Commission.

I could send it, but in presenting it I want a personal interview with you and Secretary Lane, if possible, as there are some explanations of course that will properly go with it.

If you will notify me if you think this will be alright I would be very much obliged.

Yours very sincerely,

To  
Hon. Cato Sells,  
Com'r, Indian Affairs,  
Washington, D. C.

Chicago. December 27th, 1913.

Mr. D. F. Tyrrell.

Gillette, Wisconsin.

Dear Sir:

I have compared the testimony as taken down by my stenographer and your letter from Washington, dated December 13th, giving your version of the conversation. You have amplified a little more in this and left out one or two unimportant things also, but it is only in line of making your opinion clearer and I accept it with pleasure and will use it in my report instead of the notes taken here.

Yours truly,

Chicago. December 30, 1913.

Dear Mr. Abbott:

I have yours of December 26th, stating that Mr. Ballinger had found fault that I went outside of the mill proposition. The mill proposition is only a portion of the Reservation's affairs, and of course I recognized that I wanted to go into every phase of human thought on the Reservation.

I don't want to go to Washington until our meeting, with my report. If there is any possibility of this man getting the Senate Investigation Committee to work before I get in, I will come anytime. Can't you see them when you get back and tell them that I have made an exhaustive report that I don't want to bring to Washington until our meeting in the first part of February, and I think they will be satisfied if you explain to them that I have gone into all conditions very carefully, investigating by not only the government men from the outside at my request, but by experts that I brought from Kentucky and Chicago that really didn't know such a Reservation existed. And I think my report will show that the usual conspiracy of a few disaffected Indians and outside influences has been at work for nearly a year past and it has been tremendously prejudicial to the welfare of the Indians.

I have written Commissioner Sells and the Secretary of the Interior asking if the 1st of February will be time enough. If you will watch this and see that I have a chance to get my report before the Secretary of the Interior and Commissioner before the Senate Committee commences an investigation, I would like it very much.

Yours very truly,

Mr. F. H. Abbott,  
Secty, Board of Indian Com'rs,  
Room 28, Bureau of Mines,  
Washington, D. C.

Chicago. January 2, 1914.

Mr. A. S. Nicholson, Supt.,  
Mnominie Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

I don't think I have got, in my testimony, quite a full idea of what Ballinger and Tyrrell have been telling the Indians they could do for them, in winning suits. As I understand it they have talked all the time that there has been a million dollars wasted, that the Government ought to be made to pay back, that they ought to be made to pay the Indians and Cook for the monies deducted on logging, that they ought to be made to pay for the strip of timber land that they allowed the Stockbridge Indians to cut, and for all monies lost in logging and in the Mill. I believe you can get this information pretty thoroughly from Oshkenaniew.

I wish you would frame up some questions covering these different points, or any others that you can. I would like to find out just what Tyrrell was claiming he could do for the Indians. I would like to get this information as soon as possible.

I would suggest that you ask these questions in line with each of these different things that they are trying to make the Indians think they would do for them, and send it to me at your very earliest convenience.

Yours very truly,

Chicago. January 2, 1914.

Mr. D. F. Tyrrell,  
c/o Webster Ballinger,  
1413 G Street, N.W.  
Washington, D. C.

Dear Sir:

On December 10th I wrote you, making the following inquiry of you, to which I have not received any answer. I would be very much obliged if you could give me the information sought.

To Mr. Myrrell at Washington:

"You mentioned several times, at Neopit, that you thought there was plenty of Indians there perfectly capable of running logging camps and to take almost any position around the plant, or in the woods. Would you be kind enough to give me the names of those you think would be capable of that kind of work? I certainly agree with you that wherever possible such Indians should be worked in as good places as they can fill. Yours very truly, "

Copy to

Mr. D.F.Tyrrell,  
Gillette, Wisconsin.

Yours very truly,



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Chicago. January 8, 1914.

Dear Mr. Sells:

I send you herewith copy of a letter written by Congressman Thomas F. Konot to Mr. Abbott of the Indian Commission, which was forwarded to me here; and my answer to it. The testimony he complains of is Exhibit 7 of my report, and important, as you will see later.

Yours most respectfully,

To  
Honorable Gato Sells,  
Com'r, Indian Affairs,  
Washington, D. C.

Chicago. January 8, 1914.

Mr. A. S. Nicholson, Supt.,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

It looks as if I was going to have considerable opposition on my hands at Washington and I think it would be a good idea for you to send me an affidavit stating that the report you made to me in regard to conditions on the Menominee Reservation was the truth to the best of your knowledge and belief. I am asking Mr. Holland, Mr. Smith and Mr. Kinney to do this also.

Yours very truly,

Chicago. January 8, 1914.

Mr. A. S. Nicholson, Supt.,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

I don't know whether you have any right to do it or not, but if you have I think it would be a good idea for you to give the Catholic school there free electricity, and perhaps wood. I don't think the scheme will work that we talked of, of getting a money consideration from them, because it has to be done entirely by the vote of the tribe and I don't think it would be possible; but they are certainly trying to do good work and if they can be helped properly, and legally, it ought to be done, in my judgment.

Yours very truly,

7-14  
Chicago. January 8, 1914.

Dear Mr. Miller:

I hand you a copy of a letter written by Congressman Thomas F. Konot to Secretary Abbott, of our Commission, and my answer to it, that you may see what kind of influences are lined up and they are stopping to do before they have any information, practically, at all about what I really have been doing. I wish you would kindly see that Secretary Lane sees these two letters.

I also inclose copy of the testimony that he sent on, complaining of it. It is important, in connection with others you will see upon getting my report.

Yours very truly,

Adolph C. Miller,  
Asst. to Secretary Lane,  
Washington, D. C.

Chicago. January 8, 1914.

Congressman Thomas F. Zenop.

Washington, D. C.

Dear Sir:

Mr. F. N. Abbott has sent to me your letter to him of December 31, 1913.

The second day that I was at the Menominee Indian Reservation Mr. Tyrrell said to me that you and Mr. Ballinger and he said to Commissioner Sells that you would look with suspicion on any investigation made at the Menominee Reservation by anybody that Mr. Abbott was associated with. This remark introduced me to a type of men that I have never met before, men who would voluntarily insult a Government Officer who was selected by the Commissioner of Indian Affairs and the Secretary of the Interior to make an investigation, before, even, the investigation was started. I immediately told Mr. Tyrrell that Mr. Ballinger's and his opinion was a matter of entire indifference to me and that as for Congressman Zenop, he could go to Hades.

I ought not to be astonished at receiving yours of December 31st to Mr. Abbott, and still, I am. You are again insulting the Board of Indian Commissioners, appointed by the President as the advisors of the Indian Department and the Secretary of the Interior.

Under Act of April 10, 1869, R.S. 2039, also under an Executive Order of June 3, 1869, and an Act of July 5, 1870, R.S. 2041, and especially an act of May 29, 1872, R.S. 2042, you can find out something probably new to you in regard to the powers of the Commission.

Of course the motive of Mr. Ballinger and Mr. Tyrrell is well known, that is, to get \$8,000 a year for being attorneys of the Menominee Indians. What yours can possibly be in thus grossly attacking a body of gentlemen who are working without salary, and in some cases much expense to themselves, it is almost impossible to imagine.



To  
Congressman Monop

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1-6-1914.

I have the most profound respect for the United States Senate and the House of Representatives, but to my mind your being a member of the House only shows that accidents may happen to the best regulated families, and I feel sure that your district, in the grand State of my nativity, will see to it that the accident does not happen a second time.

I am making your letter and my answer to you a part of my report on the Menominee Indian Reservation, and have also had your letter photographed for future reference. I am also sending a copy of your letter, and my answer to it, today, to Commissioner Sells and Secretary Lane, that they may see in advance the outside efforts at work to try to influence my investigation.

Yours very truly,

Indian Commissioner.

25  
Chicago. January 8, 1914.

Dear Mr. Abbott:

I have yours inclosing Mr. Thomas F. Kono's letter to you of December 31st, and the justification for amendment to Indian Appropriation Bill, and your letter of January 5th.

Once or twice you have used the term that I was examining the mill at Menominee. I was asked by the Commission to examine the conditions on the Menominee Indian Reservation, and also by the Secretary of the Interior and the Commissioner of Indian Affairs, the mill being only an adjunct, but one connected so closely you couldn't investigate one without the other.

I was told of no particular charges until the letter written by Mr. Sells giving me a copy of the charges that Lawyer Tyrrell had made.

In regard to my connection with Wisconsin in the lumber business, I haven't handled a stick of any kind of lumber of any name or nature from Wisconsin in fifteen or sixteen years. Every person on that reservation and connected with it in every way, shape and manner is a perfect stranger to me. I think it would be well for you to say this to Chairman Stephens. I am certainly going to investigate and report on every thing pertaining to the conditions on the Menominee Reservation, and make such recommendations as seem to me proper.

I send you back a copy of Thomas Kono's letter to you and my answer to it, which explains itself, and which I shall make a part of my report.

Yours very truly,

F. H. Abbott,  
Secty. Board of Indian Com'rs,  
Bureau of Mines,  
Washington, D. C.

Chicago. January 8, 1914.

Dear Mr. Abbott:

I got the inclosed letter today from Mr. Mitchell Oshkenaniew, who was one of the head men in fomenting the trouble up there, but has had a row since with Tyrrell and isn't friendly to his schemes. You can see how the correspondence is going on between Tyrrell in Washington and the disaffected Indians.

It seems incredible to me that Mr. Sells' Assistant Commissioner should, under any circumstances, express himself to this man on this subject while the matter was under investigation, and I don't believe he has. I wish you would see him and show him what Tyrrell told LaFrombois in his letter to him.

Of course it is a hopeless job to do this work if the Department itself is taking any such grounds, until my investigation is completed, and I don't believe they have. I inclose you a second copy of this letter that you may give to the Assistant Indian Commissioner.

Yours most respectfully,

Mr. F. H. Abbott,  
Secty., Board of Indian Commissioners,  
Bureau of Mines,  
Washington, D. C.

Chicago. January 21, 1914.

Dear Mr. Abbott:

With my letter of January 8th I sent you a letter which I received from Mr. Mitchell Oshkenaniew. In going through my file I cannot locate a copy of this and wish you would please draft a copy and send it to me, or, better still, send the original back to me and keep a copy for your file.

I received your very flattering letter this morning and of course it gives me great pleasure.

Yours very truly,

Mr. F. H. Abbott, Secty.,  
Board of Indian Com'rs,  
Bureau of Mines,  
Washington, D. C.

Chicago, February 16, 1914.

Dr. Carl E. Grammer,  
President, Indian Rights Ass'n.  
995 Broad Building,  
Philadelphia, Penna.

Dear Sir:

I will quote only a portion of the article which appeared in the Philadelphia paper, the "Public Ledger," and that is:-

"Doctor Grammer asserted that, in order to protect Nicholson, Acting Commissioner Abbott inspired a "fake" inquiry by Edward M. Ayer."

You can't imagine, Doctor Grammer, how sorry I am that you should make such an assertion, with such evidence as you had before you.- and about a member of your own society who, for thirty years, has been engaged in trying to put together the paraphernalia and the history of the North American Indian. The great collection of Indian paraphernalia of the World's Fair was my private collection. I expended about \$100,000 or so for it and it was presented after the Fair to the Field Museum, upon its foundation, and I have since made very extensive additions to it.

About the same time, I commenced to gather together the literature of the North American Indian, making the greatest Indian library ever gotten together. It consisted of nearly all the early books and expensive nuggets in connection with their history; about 375 Captivities, 1210 crayon drawings by Durban of existing Indians, 250 pencil drawings by Catlin, the largest collection of Mexican prehistoric hieroglyphics on skins and pottery. The linguistics consisted of three thousand volumes by a thousand authors, and it was just as complete as something over half a million dollars could make it. It was presented to you, and all students of the question, in being presented to the Newberry Library two years ago.

I was the first President of the Field Museum and held the office for seven years, when, I being away a great deal, retired and became Chairman of the Administration Committee, which I have been over since. I am President of the Archaeological Society here, a Director in the Thomas



Dr. Grainger

-2-

2-16-1914.

Orchestra Association and the Art Institute for thirty years; a member of the Hawthill, Chicago, Missouri and Texas Historical Societies.

I have been in business now for fifty years and am still actively engaged, although not particularly attending to details. Ayer & Lord Tie Company, of which I am Chairman of the Board of Directors, is calling this year to the Pennsylvania Central Railroad two million railroad cross ties.- which is only a small portion of our business.

No human being, in fifty years' business, and in twenty-seven years' traveling in Europe four months each year, and in my connection with the Societies mentioned, has ever breathed a word prejudicial to my character, and it is left for a minister of the gospel, and President of one of my own Societies, to make the above remarks with regard to me.

I am so ashamed of you.

The facts in the case were that I never had met Mr. Abbott but twice, while he was Indian Commissioner and once since; I never knew any human being connected with the Reservation, never had seen anybody that had been on the Reservation, as far as I knew. I was called on by the Government, yet refused to go until Commissioner Sells furnished me with his confidential woodman, and I took men of my own company from the South, and from Chicago, of my own, at my own expense, and the above article, inspired by a preacher of the gospel, is the thanks I get.

I have sent a copy of this letter to the Public Ledger, where your article appeared, to Mr. Vaux and to Mr. Herbert Welch, Secretary of our Society.

I would like it very much if you would have this letter read at the next meeting of the Society, and oblige.

Yours truly,

FEAR WHITEWASHING IN INDIAN INQUIRY.

Protectors of Redmen's Rights Foresee No Good Results From  
Investigation by Senator Penrose's Friends.

While distinctly of the opinion that the administration of Indian affairs in this country needs an overhauling, as has been suggested by Senator Penrose, the Indian Rights Association, of which Dr. Carl E. Grammer, 1024 Spruce Street, is President, is opposed to an investigation by "people who will use the whitewash brush". Doctor Grammer said yesterday that the Association is afraid that the committee appointed for the inquiry, under the Penrose resolution, will understand that art so well that no good will come of the proposed work.

"Our objection to this proposition", explained Doctor Grammer, "is that we think the move would be more successful if placed in the hands of some one other than Senator Penrose. He would be investigating his friends, so that any commission of which Senator Penrose is the head would be handicapped by its friendship with the former administration, whose appointments are to be investigated."

In discussing the Wanamaker Expedition, which Senator Penrose has said accomplished great work, Doctor Grammer said that expedition has not won the confidence of the friends of the Indian because of its spectacular, sensational and superficial methods in Oklahoma and Arizona.

Doctor Grammer said that the Indian Rights Association has great confidence in the present Indian Commissioner, Mr. Sells, whose conduct of his office has been very satisfactory to the friends of the Indian. He said that a very admirable proposal has been made to reconstruct the whole Indian Bureau, taking it out of the control of the Secretary of the Interior and placing it under a commission of three members, with the present Commissioner at the head.

"This means", asserted Doctor Grammer, "that the service is to be taken out of politics, like the Geodetic Survey".

Expressing himself most forcibly regarding the proposed investigation, Doctor Grammer said that ex-Commissioner Valentine had admitted that his inspecting department was weak in eyes and hard of hearing, and that acting Commissioner F.H. Abbott, was alleged to have "inspected" the Menominee Indians in a manner which led them to charge that they were robbed of \$1,000,000 under the administration of Superintendent Nicholson. Doctor Grammer asserted that, in order

to protect Nicholson, Acting Commissioner Abbott inspired a "fake" inquiry by Edward E. Ayer.

"While we advocate an inquiry", said Doctor Grammer, "we don't want the whitewash brush used."

Chicago. February 16th, 1914.

Dear Mr. Vaux:

I have the copy of letter addressed to you by Secretary Lane, and it gives the exact substance of the request that Mr. Lane and Mr. Sells expressed.

While Secretary Lane and Commissioner Sells treated me always with great consideration, the fact still remains that they would rather we would not take any initiative without consulting them. I think probably under the law they have a right to demand this, but of course in making the demand it takes the initiative entirely out of the hands of our Commission. We know the Senate and House are against us, and it seems up-hill work.

I have written a letter to Doctor Grammer, of which I send you a copy.

Yours very truly,

Mr. George Vaux, Jr.,  
Chairman, Bd. of Indian Com'rs,  
Philadelphia, Pennsylvania.

Chicago. February 16, 1914.

Public Ledger,

Philadelphia, Penna.

Gentlemen:

On Wednesday morning, January 21st, 1914, you published an article, inspired by Doctor Carl E. Grammer, which states in the last paragraph, "'Doctor Grammer asserted that, in order to protect Nicholson, Acting Commissioner Abbott inspired a "fake" inquiry by Edward E. Ayer." I send you, herewith, a copy of my letter to Doctor Grammer.

Yours very truly,



Chicago. February 17, 1914.

Mr. Herbert Welch,  
Secretary, Indian Rights Ass'n,  
995 Drexel Building,  
Philadelphia, Penna.

Dear Sir:

I send you a copy of a letter I wrote to Doctor Grammer in regard to his assailing me in the Philadelphia papers. I can't comprehend yet how any ordinary man, saying nothing about a man who presumes to be a minister of the gospel, could take the course against an unoffending number of his own society that Doctor Grammer did with me.

Yours very truly,

Dear Doctor Eliot:

I thought it best, after coming back, to pay a little attention to Doctor Grammer, who assailed me so unsparingly, and I send you a copy of my letter to him. I am sorry to have had to say so much about myself, but I wanted to show how I was represented on the societies mentioned and the interest I have taken in the subject.

I can't tell you, Doctor Eliot, how I have enjoyed my association with you. While, under the circumstances, I cannot but feel that all our efforts, from the opposition seeming to be made against us at all turns, are fruitless, still I feel abundantly repaid for all the efforts I have made, through having met you and the other members of the Board.

Your devoted friend,

Feb. 17, 1914.

Dr. Samuel A. Eliot,  
Boston, Mass.

MENOMINEE INDIAN MILLS.

At Neopit, Wisconsin.

Established spring of 1908, by the Act of March 28, (36 Stat., 51). Population, Indian and white, Neopit 900. Has churches, schools, stores, hotel, etc.

Capacity of mill 150,000 feet daily, beside lath, shingles, crating and other miscellaneous products.

The project owns and operates about 35 miles of logging railway.

Total investment in plant over one million dollars.

Timber on reservation two billion feet, consisting of pine, approximately 10 per cent; hemlock, approximately 40 per cent; and hardwoods 50 percent. *1000 ft 2 350 ft 200* Bass Wood 6<sup>00</sup> 7<sup>50</sup>

Annual cutting, approximately forty million feet.

Brief Statement from Superintendent's Last Annual Report.

Total number of Indians employed 322 at an average wage of \$29.70 per month.

Total number of Menominee Indians employed, 271, an increase of 23% over number employed previous fiscal year.

Total number able-bodied Menominee Indians, 18 years of age and over, 408.

# RESULTS IN VARIOUS PHASES OF THE OPERATION.

July 1, 1912, to June 30, 1913.

	<u>Feet</u>		
Lot cut,	33,713,940		
Lumber manufactured,	31,112,471		
Lath           "	8,094,100		
Shingles       "	3,084,000		
Lumber sold and shipped,	45,198,115	\$670,025.16	amt. received for same.
Lath sold and shipped,	9,703,847	\$25,660.76	"
Shingles sold and shipped,	1,843,250	4,684.12	"
Lumber used in construction,	1,299,458	14,983.46	amt. charged for same.
Lath       "       "       "	82,500	111.62	"
Shingles "       "       "	320,750	434.46	"
Lumber on hand in yard, June 30, 1913,	27,026,034		
Lath on hand in yard, June 30, 1913,	4,843,010		
Shingles on hand in yard, June 30, 1913,	2,707,250		
Total receipts,		802,137.67	
Total disbursements,		480,944.09	

Excess of receipts over disbursements for the fiscal year, deposited in the Treasury to the credit of the Menominee Tribe at 5% interest, \$321,193.56.

Average profit to Tribe on lumber sold and shipped,  
\$7.10 per M feet.

117  
Hon. Edward E. Ayer, of Board of Indian Commissioners,  
would like the following information at once. Address Railway  
Exchange Bldg., Chicago, Ill.

---

What promises or what talk has been spread amongst the  
Indians by Mr. Tyrrell and those associated with him as to what  
they could do for the Indian?

Do you understand that the Contractors from whom the  
Government deducted certain moneys on "Blown down" should have  
their claims paid?

Do they say the Government is to pay these or is it to  
be paid out of tribal funds?

Do you understand from talk generally circulated by them  
that a million dollars of Indian money has been wasted?

Do they claim to be able to secure payment to the tribe  
of certain claims known as the Stockbridge two mile strip claim?



Do they claim to be able to secure to the tribe Sections 16 and swamp lands now claimed by State and which question is now before Supreme Court?

Do they claim to be able to secure annuity payments to the tribe?

What promises in general do you gather have been made by Mr. Tyrrell or any of his associates that tends to curry favor with the Indian either for or against any one, or on behalf of any one?

What do you gather is meant by various statements or gossip circulated that money is being wasted on the Neopit operation?

Please answer fully as you can.

*5 copies handed to  
various leaders with  
request to write you  
Nichols*

A few of the statements made by Mr. D. F. Tirrell, attorney.

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To Mr. Ayer:

"The first of the photographs, I think, was taken in April." (1913).

"When Mr. Connaught, Mr. Ballinger and I were together in Washington we said we would look with suspicion upon anyone who would make any investigation at Neopit, whom Mr. Abbott was connected with." Later he made the same statement except that the last clause was "whom Mr. Abbott was sending."

Mr. Tirrell forcibly asserted that before Mr. Ayer came to Neopit he did not even know there was "a board of Indian Commissioners of ten men." Upon being pressed by Mr. Ayer he admitted that he did know there was "a board of Indian Commissioners."

Sam Lafromboise \$ 250.00  
for Ballinger at Washington D. C.

For D. F. Syrell  
Gillett Wis.

Sam Lafromboise	10.00
Mitchell Gistean	5.00
Charles Tourtellott	1.00
James Boyd	1.00
Charles Wychevit	5.00
James Gignou	1.00
George McCall	50.00
John Jones	7.00
Sam Papawaya	50.00

THE FIRST SHEET BENEATH IS AN EXTRACT  
FROM SUPERINTENDENT NICHOLSON'S LETTER  
OF JULY 5, 1913, AND THE TEN SHEETS  
FOLLOWING IT ARE COPIES OF SHEETS TRANS-  
MITTED WITH THAT LETTER.

Receipts for the year ..... \$802,137.67

Disbursements for the year ..... 480,944.09

Making an excess of receipts over disbursements of \$321,193.58  
against \$98,346.71 for the year preceeding.

33,713,940 feet of logs cut in woods, hauled to mills

31,112,471 feet of lumber manufactured and placed in yard for sale.

45,198,116 feet of lumber sold and shipped

9,703,640 lath sold and 1,843,250 *shingles sold*

Inventory of lumber on hand ..... 27,026,034 feet

lath " " ..... 4,643,010

shingles " " ..... 2,707,250

besides various other by-products such as bark, pulp wood, cord  
and fire wood, crating stock, picket and slat stock. An  
average of 322 Indians have been in continuous employment during  
the year at an average earning of 29.70 per month. It is in-  
teresting here to make a comparison of progress Industrial in  
the Indian. The figures of last year show 220 Indians con-  
tinuously employed, this year 271 Menominees, an increase of  
23 percent. The total adult males of the tribe number 543,  
of this 80 are of such age as to be not fit for manual labor,  
and 55 not competent through affliction to do anything for  
self support. This leaves 408 adults 18 years and over com-  
petent for daily labor. Of this number an average of 271  
Menominees labored each working day during the months of January  
to May 1913.



7608 124 113

Lumber, Lath and Shingles Manufactured  
July 1st, 1912 to June 30, 1913.

<u>Month</u>	<u>Lumber</u>	<u>Lath</u>	<u>Shingles.</u>
July	2,859,224	646,500	144,000
August	4,665,337	1,227,000	
September	215,402	98,600	
October			
November			
December	1,098,249	297,500	
January	3,895,350	1,175,500	
February	3,248,795	860,000	
March	3,872,396	997,500	
April	3,802,802	971,000	494,000
May	3,687,231	914,500	1,204,000
June	3,767,685	906,000	1,242,000
Total	31,112,471	8,094,100	3,084,000

Summary of Log Cut  
July 1, 1912 to June 30, 1913.

<u>Specie</u>	<u>Feet.</u>
White Pine	3,814,370
Norway	448,140
Hemlock	22,904,930
Maple	1,236,200
Birch	2,359,750
Basswood	725,520
Soft Elm	81,860
Cedar	✓ 1,723,930
Tamarack	✓ 233,440
Oak	46,090
Ash	112,460
Beech	4,590
Rock Elm	9,950
Spruce	✓ 7,090
Other Woods	5,620
Total	33,713,940

15  
8  
3  
27166  
1923  
28889  
222  
29122  
2  
2938

2712  
F

## C O P Y

Lumber Sold and Shipped  
July 1, 1912 to June 30, 1913.

	Feet Sold	Amount Received
July	2,733,475	45,031.42
August	4,365,127	60,663.96
September	4,412,243	65,745.41
October	5,064,614	71,041.08
November	4,720,446	68,114.93
December	3,908,163	56,667.13
January	4,161,718	58,958.21
February	3,396,182	46,291.42
March	3,616,538	49,838.37
April	2,858,627	46,994.52
May	3,050,240	55,235.18
June	2,910,743	45,443.53
Total	45,198,116	\$ 670,025.16

Average per M. \$14.82

## C O P Y

Lath Sold and Shipped  
July 1, 1912 to June 30, 1913.

	Feet Sold	Amount Received.
July	1,073,700	2,208.10
August	2,331,750	5,217.86
September	928,000	2,295.66
October	721,250	2,201.65
November	739,350	2,217.07
December	252,250	928.48
January	247,050	656.16
February	477,600	1,431.57
March	669,850	1,909.20
April	335,600	1,074.18
May	1,477,850	4,265.75
June	449,390	1,255.08
Total	9,703,640	\$ 25,660.76

Average per M. \$2.64

C O P Y

Shingles Sold and Shipped  
July 1, 1912 to June 30, 1913.

	Feet Sold	Amount Received
July	76,500	91.81
August	222,000	521.36
September	358,000	892.88
October	142,500	287.65
November	90,000	108.64
December	11,000	22.97
January	28,000	29.32
February	54,000	72.90
March	189,250	477.44
April	119,000	296.80
May	69,000	138.05
June	484,000	1,124.30
Total	1,843,250	4,064.12

Average per M. \$2.20



## C O P Y

Lumber used in Construction  
July 1, 1912 to June 30, 1913.

	Feet Used	Amount Charged.
July	108,186	1,392.03
August	164,997	1,830.86
September	122,241	1,639.31
October	198,159	2,482.55
November	230,983	2,302.63
December	26,003	330.96
January	59,483	831.35
February	31,323	393.22
March	103,973	936.87
April	43,579	620.75
May	139,560	1,436.38
June	70,971	786.55
Total	1,299,458	\$ 14,983.46

Average per M. \$11.53

Lath used in Construction  
July 1, 1912 to June 30, 1913.

	Feet Used	Amount Charged
July	16,000	22.56
August	35,250	47.14
September		
October	15,500	20.77
November	2,300	3.08
December	1,000	1.34
January		
February	250	.55
March	750	.90
April	300	.36
May	150	.18
June	11,000	14.74
Total	82,500	111.62

Average per M. \$1.35

## C O P Y

## Shingles used in Construction.

	Feet Used	Amount Charged
July	128,000	194.58
August	69,750	103.86
September	19,000	18.86
October	43,500	42.52
November	18,000	19.69
December	4,000	3.76
January	3,000	3.00
February		
March		
April		
May	7,000	7.00
June	28,500	41.19
Total	320,750	434.46

Average per M. \$1.35

# C O P Y

Lumber, Lath and Shingles on Hand  
in Yard June 30, 1913.

	Feet.
Lumber	27,026,034
Lath	4,643,010
Shingles	2,707,250

## C O P Y

Receipts and Disbursements.  
July 1, 1912 to June 30, 1913.

	Receipts	Disbursements
July	\$ 56,058.11	\$ 40,671.69
August	70,681.43	42,997.13
September	96,789.12	31,935.71
October	75,236.84	33,455.14
November	74,613.53	32,791.72
December	58,741.88	41,918.80
January	77,373.82	56,767.50
February	51,718.41	25,470.78
March	60,147.27	40,491.68
April	69,394.69	38,499.31
May	64,899.18	42,316.66
June	<u>46,483.39</u>	* <u>53,627.97</u>
Total	\$802,137.67	\$480,944.09

Excess of Receipts over Disbursements \$321,193.58

\* \$25,000.00 of this amount is estimated as the pay roll  
for June.

C



DEPARTMENT OF THE INTERIOR  
UNITED STATES INDIAN SERVICE  
MENOMINEE INDIAN MILLS  
NEOPIT, WIS.

WHITE PINE  
NORWAY PINE  
BASSWOOD  
ROCK ELM  
SOFT ELM  
BIRCH  
MAPLE  
HEMLOCK  
OAK  
ASH  
SHINGLES  
LATH

John DeRosier

Pd. Travel \$2.00 —

draw by presenter support book  
showing money in <sup>Stinson, Savings Bank</sup> First Nat Bank ~~Stinson~~  
+ pd by First Nat. <sup>Marmite</sup> Stinson in receipt  
of book + phone to bank.

No receipt - paper or any  
thing paid for security

Phone by Mr. Thompson  
12/17

EXTRACT FROM  
THE INDIAN'S FRIEND OF  
FEBRUARY, 1914.

---

"It will be seen that this bill separates the Indian Bureau from the Department of the Interior. It has long been apparent to many of us who are interested in Indian matters that a weak feature of the present system has been that the Commissioner of Indian Affairs -- with one or two notable exceptions -- has not had authority commensurate with the responsibilities of his office. There have often arisen questions as to which department was responsible for conditions in a given case -- the Indian office or the office of the Secretary of the Interior. Under this bill, the office of the Secretary of the Interior will have no supervision over Indian matters. Management of and responsibility for, Indian affairs will be placed in the hands of an "Indian Commission", where they properly belong. Those of our readers who believe, as we do, that legislation of this character should be enacted into law would aid by writing to the Hon. J. T. Robinson, United States Senate, Washington, D. C., urging the passage of S. bill 3868, "To make more efficient Indian administration."

F. H. Abbott  
Secretary. *etc*

*Balance of Statement*  
*1912-1913*

THE TEN SHEETS FOLLOWING THIS ARE  
COPIES OF PAGES IN THE SEMI-ANNUAL  
STATEMENT OF THE NEOPIT MILLS,  
OCTOBER 1, 1912 to MARCH 31, 1913,  
THE NUMBER OF EACH PAGE BEING SHOWN  
AT THE BOTTOM.

Statement October 1-1912 to March 31-1913.

RESOURCES.

Cash in Office	7,641.34	
" on deposit Spec. Dis. Agt. Acc.	333.88	
" " Receipts	1,551,417.87	
Less Withdrawals from Menominee Log Fund	<u>1,181,573.42</u>	<u>379,844.45</u> <u>387,819.67</u>
Stumpage		6,311,415.75
Accounts Receivable		16,461.95
Mills and Plant		392,481.49
Lumber, Lath, Shingles, and other products		377,137.89
Buildings		74,046.03
Furniture and equipment in buildings		4,388.17
Water works Heating and Sewerage Plants		16,502.89
Dams and Stream improvements		541.88
Merchandise, Supplies and Equipment		46,713.98
Insurance, (Unexpired premiums)		5,752.42
Electric Light and Telephone systems		11,061.14
Camp, Logging Roads, Landings, R. R. Spurs, etc.		21,731.13
Log Loaders, Wagons, Sleighs, etc.		11,243.62
Reservation Improvements	48,902.71	
Reservation Expense	11,741.28	
Education of Indians	<u>109,890.20</u>	160,534.19
Farm		11,170.15
Railroad and Equipment		120,242.54
Live Stock		15,351.20
Loss Dead & Down Operations	269,695.92	
Interest on Investment, Dead and Down Operations	<u>34,861.92</u>	
	304,557.84	
Less 33-1/3% Indian Labor, Dead and Down operations	<u>27,642.58</u>	
	276,915.26	
Profit Green Timber Operations	183,255.26	
Less Interest on Investment	<u>175,487.44</u>	
	7,767.82	
Plus 33-1/3% Indian Labor	82,247.62	90,015.44
Net Profit on Green Timber Operations		<u>186,899.82</u>
Net Loss,		8,171,495.89

# LIABILITIES.

Accounts payable	21,394.32
Impairment account, Depreciation Plant, etc.	96,309.54
" " " Reservation Imp.	4,153.07
United States Cash Investment	1,062,106.79
" " Timber Investment	6,777,182.81
" " Interest on Investment	<u>210,349.36</u>
	8,171,495.89



RECEIVED

PROFIT & LOSS.

OCTOBER 1, 1912 to MARCH 31, 1913.

CREDIT

Lath	5,345.82	
Pickets	48.40	
Slats	130.84	
Bark	882.56	
Wood	332.75	
White Pine Timbers	17,650.96	
Planing Mill	4,357.43	
Hotel	68.85	
Physician	561.18	
Rent	1,260.97	
Hogs	5.09	
Interest Earnings	225.05	
Water used by W & N Engines	71.40	
Profit on Wanagan sold from Warehouse	685.88	
Wood-Contract-A/c Lumber 1912	87.39	31,714.57

DEBIT

Lumber	14,136.25
Shingles	160.33
Crating	179.90
Basswood Bolts	306.10
Good Spoiled at Warehouse	154.82

50% Burnign Brush Camp #11-1912 Lumber	180.15	
Exception to P. S. Everest A/C error		
of March 30, 1912	21.02	
Farm Operation	<u>4,525.01</u>	<u>19,663.58</u>
Profit		12,050.99
Plus 33-1/3% of Indian Labor October		
1st 1912 to March 31, 1913		<u>13,060.41</u>
		25,111.40
Less interest on investment October 1st		
1912 to March 31, 1913		<u>24,267.47</u>
Net Profit		843.93
Over and above Stumpage and Interest.		

# SUMMARY PROFIT & LOSS.

Loss Dead and Down Operation		269,695.92	
Profit Operations Nov. 1, '09 to Jan. 30, 1910	30,844.16		
" " 7/1/10 to 9/30/11	56,156.15		
" " 10/1/11 to 7/30/12	84,203.96		
" " 10/1/12 to 3/31/13	12,050.99	<u>183,255.26</u>	
Loss on Operation		86,440.66	
Plus			
Interest Dead and Down Operations	34,861.92		
" Operation 11/1/09 to 6/30/10	29,062.94		
" " 7/1/10 to 9/30/11	70,225.38		
" " 10/1/11 to 9/30/12	51,931.65		
" " 10/1/12 to 3/31/13	24,267.47	<u>210,349.36</u>	
		296,790.02	
Less			
33-1/3% Indian Labor Dead & Down Operation	27,642.58		
" " Operation 11/1/09 6/30/10	14,723.92		
" " " 7/1/10 9/30/11	29,727.91		
" " " 10/1/11 9/30/12	24,735.38		
" " " 10/1/12 3/31/13	13,060.41	<u>109,890.20</u>	
		186,899.82	

NOTE

Profit to Menominee Indian Tribe on Green Timber Operation only (without 33 1/3% of Indian Labor)	
Stumpage on 103,872,864 ft. @ average 4.76	494,291.57
Interest on capital invested together with all sums withdrawn from Menominee Log Fund less de- posit of receipts returned to Treasury at 5%	175,487.44
Profit over and above stumpage and interest	<u>7,767.82</u>
Total profit to tribe on operation Green Timber	677,546.83

This is assuming that lumber, lath, shingles,  
logs and other products on hand are worth their cost,  
and the most conservative estimate is, that with the  
exception of shingles and basswood bolts on hand, they  
are worth considerable more than cost.

# STUMPAGE RATES.

Specie	Percentage of Stand	Feet of Stand	Rate of stumpage as recommended by Indian Office Letter of 2/5/12	Amount.
White Pine	.10	175,000,000	11.00	1,925,000.00
Norway Pine	.02	35,000,000	6.80	238,000.00
Hemlock	.40	700,000,000	1.50	1,050,000.00
Maple	.15	262,500,000	1.75	459,375.00
Birch	.05	87,500,000	4.00	340,000.00
Basswood	.15	262,500,000	6.25	1,640,625.00
Rock Elm	.06	105,000,000	5.00	525,000.00
Soft Elm	.03	52,500,000	4.20	220,500.00
Oak	.01	17,500,000	11.50	201,250.00
Cedar	.01	17,500,000	3.00	52,500.00
Ash	.0075	13,125,000	5.00	65,625.00
Balsam	.0025	4,375,000	2.20	6,625.00
Spruce	.00375	6,562,500	4.65	30,515.62
Tamarack	.0050	8,750,000	2.40	20,900.00
Beech	.000625	1,093,750	2.40	2,625.00
Butternut)	.000625	1,093,750	5.15	5,632.28
Hickory )			5.15	
	1.	1,750,000,000	3.88	6,787,172.90
			Average	

NOTE:

The above stumpage prices have been recommended by Indian Office (Letter of Feb. 5-1912), [I. O. file 102661-1911]. The percentage of stand has been fixed arbitrarily by Neopit Office, based on opinions of the different logging superintendents. Timber has never been cruised and estimated. Above rates of stumpage are to be used by the Menominee Indian Mills in wiping out the stumpage account, charging cost of logs with same as they are out. To the above rates will be added one cent (1¢) per thousand feet to wipe out cost of 50% of burning brush and entire cost of fighting forest fires, which have been charged to the stumpage account; this expense being incurred for the protection of the standing timber.



LUMBER  
SUMMARY PER M BASED ON LUMBER SCALE  
LUMBER CUT OCT. 1, 1912 to MAR. 31, 1913.

Cost of logs	4.07	
Unloading	.11	
Boomage	<u>.32</u>	4.50
Mill Work		
Manufacturing	2.54	
Yarding	.86	-
Piling	<u>.42</u>	3.82
Shipping	1.34	-
Sales Expense	<u>.06</u>	1.40
Miscellaneous Exp. Fire Protec-		
tion,	.18	9.90
Stumpage		<u>3.15</u>
		13.05
Approximate Value		16.65
Cost		<u>13.05</u>
Approximate Profit		3.60

LUMBER  
SUMMARY STUMP TO PILE

11,043,840 Ft. Logs Sawed Average cost to mill	4.47	49,365.96
Unloading	.12	1,325.26
Boomage	.35	3,865.34
Manufacturing	2.54	30,770.29
Yarding	.86	10,504.32
Piling	.42	<u>5,105.59</u>
		100,936.76

12,114,790 Ft. Lumber Scale 8.33 per M.

Stumpage on above	3.35	<u>36,996.86</u>
		137,933.62

12,114,790 Ft. Stump to Pile @ 11.68 per M.

Overrun is 1,070,950 or 9%

LUMBER  
SOLD AND SHIPPED

Inventory Oct. 1, 1912	38,555,148 Ft.
Cut Oct. 1, 1912 to Mar. 31, 1913	<u>12,114,790</u>
	50,669,938
Inventory Mar. 31, 1913	<u>24,842,036</u>
	25,827,902
Actual Shipments	<u>25,517,585</u>
Shortage	310,317

Shortage accounted for in estimating inventory, breakage in handling, etc.

24,867,661 Ft. Sold & Shipped brought 350,899.51 or \$14.11 per M  
649,924 Ft. used in construction " 7,277.58 or 11.20 " "

25,517,585

310,317 Shortage

25,827,902 Average

358,177.09

13.87

DESIGNATION OF TIMBER FOR CUTTING

MEMOMINEE INDIAN RESERVATION

OCTOBER 9-11, 1911

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By

J. G. PETERS, Chief, State Cooperation

LOUIS S. MURPHY, Forest Examiner

DESIGNATION OF TIMBER FOR CUTTING

MEMONINEE INDIAN RESERVATION

OCTOBER 9-11, 1911

By

J. G. Peters, Chief, State Cooperation

Louis S. Murphy, Forest Examiner

T. 30 N., R. 14 E.

SE/4 SW/4 and S/2 SE/4, Sec. 25; and N/2 and SE/4, Sec. 36.

This entire area is one of low relief. The soil is a good quality sandy loam and, except for the extreme southern portion of Sec. 36, boulders and surface rock are absent. The timber on the area occurs in two types of forest, mixed hemlock and hardwood flats and ridges, and cedar and tamarack swamps.

The mixed hemlock and hardwood type occupies at least 75 per cent of the area. Hemlock is the predominating species, occurring in many places as an almost pure stand and constituting 60 to 75 per cent of the merchantable timber in this type. An average of about two or three pines and a like number of basswood per acre occur in the mixture. The remaining hardwoods are principally yellow birch and hard maple. The rock elm so common on other parts of the reservation is almost entirely absent from these stands.



The stands are characteristically mature to over-mature and, except for a few small hemlocks and yellow birches, the trees are  $1\frac{1}{2}$  to 4 feet in diameter and long, clear-bodied, 80 to 100 feet tall. Aside from the few middle sized trees mentioned there is a generally well stocked understory of sapling hard maple with yellow birch, other hardwoods, and hemlock as incidental associates.

This condition points to the desirability of making a comparatively close cutting if any cutting at all is to be done. With the large amount of hemlock and the present poor market for this species it would under other conditions be wise to delay cutting here till hemlock could be sold more advantageously. Present cutting, is, however, unavoidable. The fire of a little over a year ago necessitated the construction of a logging road to salvage the dead timber while it was still sound. The area in question constitutes the only green timber in the vicinity and should logically be logged with the dead timber now while the camps and railroad are in serviceable condition.

The plan of cutting most advisable and practicable, therefore, is the removal of all of the larger growth of hemlock, hardwood and pine, leaving the smaller trees of slight merchantable value to form the nucleus of a new crop of timber. This accords with the prevailing method of cutting which is necessarily conservative in hemlock and hardwood

stands. The standardizing of this method by prescribing the minimum diameters to which the various species are to be cut will be sufficient to accomplish the object of preserving a fair stand of younger timber; and will make the marking of the individual trees to be removed unnecessary.

It would be desirable to increase the proportion of white pine in the new growth following cutting, if possible. This would require the reservation of a considerable percentage of the mature timber of this species for seed trees. Such action would be questionable because of the large size of practically all the pine timber on the tract, its maturity and present commercial value, and the danger of windthrow if large, tall trees of this character are exposed by the removal of the surrounding forest. Pine reproduction, furthermore, requires exposed mineral soil. It would not take place unless the young growth of hardwoods and hemlock were at least partially removed by burning.

For these reasons the leaving of pine seed trees on the tract, on a general scale, is inadvisable. It would be desirable to test this method experimentally on a small area to determine its feasibility under the forest conditions existing on the Reservation, with reference particularly to the dense undergrowth of hemlock and hardwoods already present. It should not be generally adopted until its success on an experimental scale is demonstrated.

The swamp type is unimportant from a logging standpoint. It consists of mixed cedar and tamarack principally, with some balsam, spruce, and red and white pines, the latter around the edges on the better drained soils. Reproduction is plentiful, cedar principally, so that a close cutting can be made without detriment to the future. Such timber as is needed for poles, posts, piling and ties may properly be cut.

ALL OF THE HEMLOCK TIMBER OVER 12 INCHES IN DIAMETER AND ALL OF THE PINE AND HARDWOOD TIMBER OVER 15 INCHES IN DIAMETER, AT A POINT FOUR AND ONE-HALF FEET FROM THE GROUND, UPON THE ABOVE DESCRIBED AREA IS CONSEQUENTLY DESIGNATED FOR CUTTING AS THOUGH EACH AND EVERY TREE WAS SEPARATELY MARKED. THIS APPLIES ALSO TO THE GREEN TIMBER IN THE TIER OF LOTS ON THE WEST SIDE OF SECS. 30 AND 31, T. 30 N., R. 15 E., ADJOINING THAT JUST DESCRIBED AND BORDERING THE BURNED AREA. (See accompanying plat.)

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

## MAP SHEET

No. \_\_\_\_\_

Menominee Indian Reservation National Forest

Division \_\_\_\_\_

District Evergreen \_\_\_\_\_

Block \_\_\_\_\_

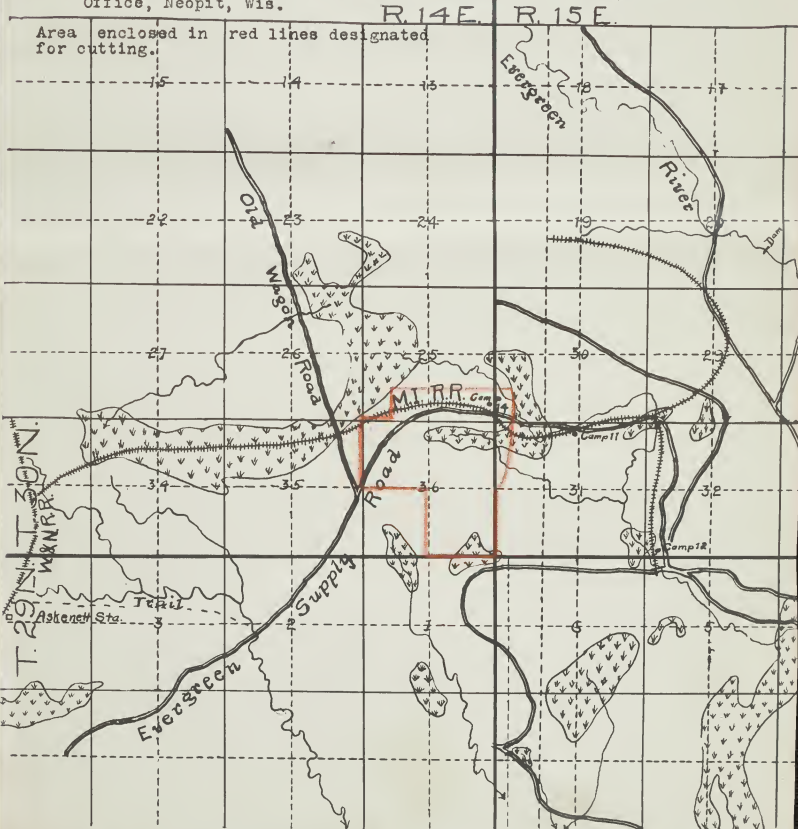
T. 30 N., R. 14 and 15 E.

M., Section \_\_\_\_\_

Quarter \_\_\_\_\_

Map by: Traced from map on file in Indian  
Office, Neopit, Wis.

Scale: 1-5/16 inches = 1 mile.



To accompany report on "Designation of Timber for Cutting, Menominee Indian Reservation," October 9-11, by J. G. Peters, Chief, State Cooperation, and Louis S. Murphy, Forest Examiner.

## CASH RECEIPTS &amp; DISBURSEMENTS

Sept. 30, 1913.

## NEOPIT OFFICE.

## RECEIPTS.

Balance on Hand Oct. 1, 1912,		
Cash in Office	26,616.34	
Cash on Deposit Asst. Treas.		
P.S. Everest, S.D.A.	<u>26,516.25</u>	53,132.59
Advances from U. S. Treasurer	491,784.45	
Less Unexpended Bal. Retd. to		
Treas. by P.S. Everest, S.D.A.,		
Feb. 21, 1913,	15455.73	
Amt. Remitted too much a/c		
2 men left off Feb. Pay Roll		
and checks drawn	<u>2.50</u>	
	15453.23	
Less Unexpended Bal. Retd.		
to Treas. by A.S. Nicholson,		
S.D.A., July 31,	<u>3043.33</u>	
Miscellaneous Cash Receipts,	<u>18,496.56</u>	473,287.89
Sales of Lumber, Lath, Shingles		
and Other Products	717,107.34	
Physician a/c- Med. Fees	34.97	
Electric Light Service	132.30	
Rent - Dwellings	217.03	
Payments on Houses Built for		
Menominee Indians	1,481.16	
Rent, Hotel	1,515.85	
Harness Repair	1.00	
Blacksmith & Machine Shop	6.50	
Sale of Merchandise from Warehouse	194.46	
Sale of Electric Light Supplies	56.68	
Allowance on Unloading Oats	80.00	
Ice	48.22	
Water taken by W&NRR Co. Engines	136.85	
Labor W.& N.R.R. Co. filling in depot		
grounds	6.56	
Sale of Empty Oil Barrels	100.45	
Allowance on Saws bought from		
Menominee Saw Co.	10.09	
Team Hire	9.00	
Insurance - Refund from State of		
Wisconsin	75.21	



## CASH RECEIPTS &amp; DISBURSEMENTS

## NEOPIT OFFICE. (CON.)

Board of Men at Camps	37.95	
Rent & Use of Camp 1 - Bldgs., Roads, Landings, etc.	183.56	
Hotel Board	170.89	
Liquor Fines	1.00	
Camp 11 - Wanagan	6.00	
Camp 14 - "	6.80	
Sale of Hogs	270.09	
Sale of Old Resaw	500.00	
Repair of School House	56.26	
Sale of Empty Grain Sacks	82.00	
Sale of Telephone Supplies	1.20	
Sale of Farm Produce	9.60	
Camp 4 - Wanagan	3.34	
Trespass	9.00	
Damage to Dwellings	5.82	722,556.98
		<u>1,248,977.46</u>

## DISBURSEMENTS.

Vouchers - Purchases & Miscellaneous		175,159.49
Labor - Pay Rolls		298,166.40
Labor - Overpayment Ira Charles		20.00
Nov. Pay Roll, 1912,		748,603.12
Deposit of Receipts		
Balance on Hand Sept. 30, 1913.	570.20	
Cash in Office		
Cash on Deposit U.S.Treasurer, A.S.Nicholson, S.D.A.a/c	26,437.23	27,077.43
Disallowances by U. S. Auditor		
Cr. back to P.S.Everest, S.D.A.a/c		21.02
Previous to Oct. 1, 1912,		<u>1,248,977.46</u>
Receipts by Neopit Office	722,556.98	
Transfer of a/c on U.S.Treas.Books, Washington, D.C., from Forest Ser. in payment of Logs shipped by Mills to Forest Ser., Madison, Wis.	87.73	722,644.71

# CASH RECEIPTS & DISBURSEMENTS

## NEOPIT OFFICE. (CON.)

Disbursements by Neopit Office	473,345.89	
Disbursements by Keshena Office		
Saly. Supt. A.S.Nicholson	1,804.13	
Disbursements by Indian Office,		
Drugs, etc.	<u>1,510.34</u>	<u>476,660.36</u>
Excess of Receipts over Disbursements		
Oct. 1, 1912, to Sept. 30, 1913,		245,984.35

# PROFIT AND LOSS.

Oct. 1, 1912, to Sept. 30, 1913.

## CREDIT.

Lumber	42,931.64	
Shingles	785.92	
Slats	173.86	
Ice	4.95	
Lath	14,089.93	
Pickets	71.08	
Planing Mill	5,593.14	
Rock Elm Timbers	14,114.88	
White Pine Timbers	17,898.28	
Rent, Dwellings	2,511.37	
Pulpwood	62.42	
Water taken by W. & N.R.R.Co.Eng.	127.05	
Profit on Wanagan sold from Ware-		
house	1,055.38	
Hogs	134.93	
Interest Earnings	491.49	
Ties	298.44	
Wood - Contract	137.41	
Wood	314.34	
Bark	620.28	
Physician a/c	655.66	
Refunds, disallowance P.S.Everest,		
S.D.A., accounts	2.42	102,074.87

## DEBIT.

Grating	204.25	
Posts	3.95	
Basswood Bolts	839.30	
Hotel	484.50	
Misc. spoiled & condemned at W. H.	434.23	
Exceptions to P.S.Everest a/c,		
error Mar. 30, 1912,	21.02	
Thos. McMahon - 1 hame strap sold		
account uncollectible	.25	
50% Burning Brush Cp.11 - 1912 - Lbr.	180.15	
Profit		2,177.65
Plus 33 1/3% Indian Labor 10/1/12 to 9/30/13		99,897.22
		28,277.80
		128,175.02
Less Interest on Investment " " "		45,093.32
Net Profit		83,081.70

# SUMMARY PROFIT & LOSS.

5%	Interest Dead & Down Operations	34,861.92	
5%	" Green Timber Oper. 11/1/09-6/30/10	29,062.94	
5%	" " " " 7/1/10-9/30/11	70,225.38	
5%	" " " " 10/1/11-9/30/12	51,931.65	
5%	" " " " 10/1/12-9/30/13	<u>45,093.32</u>	231,175.21

Less

Profit on Green			
Timber Oper. 11/1/09-6/30/10	30844.16		
" " " 7/1/10-9/30/11	56156.15		
" " " 10/1/11-9/30/12	84203.96		
" " " 10/1/12-9/30/13	<u>99897.22</u>	271,101.49	
Loss Dead & Down Operations	<u>269,695.92</u>		<u>1,405.57</u>
			229,769.64

Less

33 1/3%	Indian Labor Dead & Down Operations	27,642.58	
"	" " " Green		
	Timber Oper. 11/1/09-6/30/10	14,723.92	
"	" " " 7/1/10-9/30/11	29,727.91	
"	" " " 10/1/11-9/30/12	24,735.38	
"	" " " 10/1/12-9/30/13	<u>28,277.80</u>	<u>125,107.59</u>
			104,662.05

See Note Next Page.

NOTE.

Profit on Menominee Indian Tribe on  
Green Timber Operations only (without  
33 1/3% Indian Labor)

Stumpage on 123,265,554 Ft. Timber  
cut @ an average of 4.40

543,411.78

5% Interest on capital invested together  
with all sums withdrawn from Menominee  
Log Fund less deposit of receipts  
returned to Treasury

196,313.29

Profit over & above Stumpage & Interest  
Total Profit to Menominee Indian Tribe  
on Green Timber Operations

74,788.20

814,513.27

This is assuming that Lumber, Lath, Shingles, Logs  
and other products on hand are worth their cost, and the most  
conservative estimate is that they are worth considerable more  
than cost.



Ref.

# CASH RECEIPTS & DISBURSEMENTS

Sept. 30, 1913.

## NEOPIT OFFICE.

### RECEIPTS.

Balance on Hand Oct. 1, 1912,		
Cash in Office	26,618.34	
Cash on Deposit Asst. Treas.		
P.S. Everest, S.D.A.	<u>26,516.25</u>	53,132.59
Advances from U. S. Treasurer	491,784.45	
Less Unexpended Bal. Retd. to		
Treas. by P.S. Everest, S.D.A.,		
Feb. 21, 1913,	15455.73	
Amt. Remitted too much a/c		
2 men left off Feb. Pay Roll		
and checks drawn	2.50	
	<u>15453.23</u>	
Less Unexpended Bal. Retd.		
to Treas. by A.S. Nicholson,		
S.D.A., July 31,	3043.33	
Miscellaneous Cash Receipts,	<u>18,496.56</u>	473,287.89
Sales of Lumber, Lath, Shingles		
and Other Products	717,107.34	
Physician a/c- Med. Fees	34.97	
Electric Light Service	132.30	
Rent - Dwellings	217.03	
Payments on Houses Built for		
Menominee Indians	1,481.16	
Rent, Hotel	1,515.85	
Harness Repair	1.00	
Blacksmith & Machine Shop	6.50	
Sale of Merchandise from Warehouse	194.46	
Sale of Electric Light Supplies	58.68	
Allowance on Unloading Oats	80.00	
Ice	48.22	
Water taken by W&NRR Co. Engines	138.85	
Labor W. & N.R.R. Co. filling in depot		
grounds	8.56	
Sale of Empty Oil Barrels	100.45	
Allowance on Saws bought from		
Menominee Saw Co.	10.09	
Team Hire	9.00	
Insurance - Refund from State of		
Wisconsin	<u>75.21</u>	

# CASH RECEIPTS & DISBURSEMENTS

## NEOPIT OFFICE. (CON.)

Board of Men at Camps	37.95	
Rent & Use of Camp 1 - Bldgs.,		
Roads, Landings, etc.	183.56	
Hotel Board	170.69	
Liquor Fines	1.00	
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Previous to Oct. 1, 1912,		21.02
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Receipts by Neopit Office	722,556.98	
Transfer of 'a/c on U.S. Treas. Books,		
Washington, D.C., from Forest Ser.		
in payment of logs shipped by Mills		
to Forest Ser., Madison, Wis.	87.73	722,644.71

CASH RECEIPTS & DISBURSEMENTS

NEOPIT OFFICE. (CON.)

Disbursements by Neopit Office	475,345.89	
Disbursements by Keshena Office		
Saly. Supt. A.S.Nicholson	1,804.13	
Disbursements by Indian Office,		
Drugs, etc.	<u>1,510.34</u>	<u>476,660.36</u>
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Slats	173.86	
Ice	4.95	
Lath	14,089.93	
Pickets	71.08	
Planing Mill	5,593.14	
Rock Elm Timbers	14,114.88	
White Pine Timbers	17,898.28	
Rent, Dwellings	2,511.37	
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50% Burning Brush Cp.11 - 1912 - Lbr.	180.15	2,177.65
Profit		99,897.22
Plus 33 1/3% Indian Labor 10/1/12 to 9/30/13		28,277.80
		128,175.02
Less Interest on Investment		45,093.32

Net Profit

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# SUMMARY PROFIT & LOSS.

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5%	" Green Timber Oper.	11/1/09-6/30/10	29,062.94	
5%	" " " "	7/1/10-9/30/11	70,225.38	
5%	" " " "	10/1/11-9/30/12	51,931.65	
5%	" " " "	10/1/12-9/30/13	<u>45,093.32</u>	231,175.21

Less

Profit on Green				
Timber Oper.	11/1/09-6/30/10	30844.16		
" " "	7/1/10-9/30/11	56156.15		
" " "	10/1/11-9/30/12	84203.96		
" " "	10/1/12-9/30/13	<u>99897.22</u>	271,101.49	
Loss Dead & Down Operations			<u>269,695.92</u>	<u>1,405.57</u>
				229,769.64

Less

33 1/3%	Indian Labor Dead & Down Operations	27,642.58		
" " "	" Green			
" " "	Timber Oper.	11/1/09-6/30/10	14,723.92	
" " "	" " "	7/1/10-9/30/11	29,727.91	
" " "	" " "	10/1/11-9/30/12	24,735.38	
" " "	" " "	10/1/12-9/30/13	<u>28,277.80</u>	<u>125,107.59</u>
				104,662.05

See Note Next Page.



NOTE.

Profit on Menominee Indian Tribe on  
Green Timber Operations only (without  
33 1/3% Indian Labor)

Stumpage on 123,265,554 Ft. Timber  
cut @ an average of 4.40

543,411.78

5% Interest on capital invested together  
with all sums withdrawn from Menominee  
Log Fund less deposit of receipts  
returned to Treasury

196,313.29

Profit over & above Stumpage & Interest  
Total Profit to Menominee Indian Tribe  
on Green Timber Operations

74,788.20

814,513.27

This is assuming that Lumber, Lath, Shingles, Logs  
and other products on hand are worth their cost, and the most  
conservative estimate is that they are worth considerable more  
than cost.

Green Timber cut in 1908 & 1909.

No scale by species of record (cut out of flowage of streams while improving them)	1,000,000 ft.
No scale by specie of record (cut out of Phlox Road)	688,379
Hemlock (cut by Indians and exchanged for lumber)	36,720
Following cut by Camp 7.	
No scale by species of record	80,060
Pine	598,440
Hemlock	31,570
Maple & Birch (not separated)	127,800
Basswood	157,610
Rock & Soft Elm (not separated)	34,090
<del>Bak</del>	67,160
Tamarack	1,600
Ash	1,520
Butternut	580
Balsam	1,050
	<hr/> 2,826,579

Above sawed by Mill.

Logs cut previous to Nov. 1, 1909,

Handled by Neopit Operation.

Cut 1907 & 1908 under act of 1890.

Green Pine	330,468 ft.
" Hemlock	625,138
Dead Pine	3,881,316
" Hemlock	2,645,757
" Cedar	17,321
	<hr/> 7,500,000 ft.
2,423,136 ft. of above	driven to Oshkosh and sold.
2,539,270 " " "	" " Shawano " "
779,313 " " "	lost in drive and considered worthless.
1,758,281 " " "	sawed by Mill.

Blown down, Cut 1907 & 1908 under act of 1905.

No scale by species of record. 40,539,550 ft.

6,000 Ft. of above	used at mill for boom.
29,354,951 " " "	sawed by mill.
11,178,599 " " "	worthless, left on streams,
40,539,550	sunken in pond, sluiced over
	dam at Neopit, and used to fill
	in slough and swamp in lumber yard.

Green Timber cut Nov. 1, 1909, to June 30, 1910.

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Hemlock	4,034,770 ft.
Pine	1,874,520
Maple	3,386,290
Basswood	3,873,600
Birch	1,339,660
Rock Elm	926,610
Soft Elm	637,180
Mixed (No scale by species of record)	<u>4,769,610</u>
	20,842,240

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Summary.

Cut under act of 1890	7,500,000
Blown Down Act of 1905	<u>40,539,550</u>
Cut out of Streams, Road, etc.	2,826,579
Cut to Nov. 1, 1909,	<u>50,866,129</u>
Cut Nov. 1, 1909, to June 30, 1910,	<u>20,842,240</u>
Total to June 30, 1910,	71,708,369

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No record exists showing date Mill started. Oldest employees agree on date as Jan. 14, 1909.

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*see letter from  
as indicated 8/25*

Chicago, September 11, 1914.

Dear Mr. Abbott:

I have concluded to accept J. D. Milans & Sons bid for publishing the Menominee Indian Report.

I do not remember how many there is in the House of Representatives or the Senate, but I want 100 copies more than will go around. I want to send one to each member of the House and Senate and have 100 copies more. I want the introduction and reports 10 point type, exhibits 8 point type, bound in Hollister Library Buckram No. 32, gilt lettering on back "Edward B. Ayer, Report on Menominee Indian Reservation, 1914". I do not care to have any maps.

All the bids you sent are returned with the book of type and the little list of binding material. Of course, if paper has gone up materially, make the best trade you can, but I do not want to pay anything more if I can help it.

I send you herewith the introduction to go in the front of the book.

Very truly yours,

*E. H. A.*

Mr. F. H. Abbott,  
Secy., Board of Indian Commissioners,  
Washington, D. C.



The Menominee Indian Reservation, situated in Northeast section of State of Wisconsin, comprises 10 townships of land, 360 square miles. Its area is covered with a heavy stand of virgin forest estimated roughly at one and a half billion feet of timber, principally Pine, Hemlock and Hardwoods, such as Birch, Maple, Elm, Oak, Basswood, etc. The estimated value of forest stand alone is about eight million dollars.

The forest is distributed in two parts, that along the east portion of Reserve being of open mature, Pine and Norway, while the western part has a very dense stand, principally hardwoods, Hemlock and scattering Pine stands. The soil runs from a light sandy loam to the heaviest soil, enabling diversified farming to be carried on, such as market gardening, straight lines of agriculture and dairying and stock raising as a considerable portion of Reserve is good grass land.

The Menominee Indians originally occupied the greater part of the State of Wisconsin. They ranged from what is now the site of Milwaukee north along west shores of Lake Michigan to Menominee, North Michigan and west to the Wisconsin River and Black River. Along Green Bay and the Fox River Valley were their principal settlements and on the shores of Green Bay they first met the white man, when Father Marquette, In Salle and the first French descended the Great Lakes from the Canada settlement on exploration voyages of early days. On the Reservation at Keshena is now the successor of the first French Mission established by Marquette at Green Bay.

A woods Indian, the Menominee was a striking figure, of generally six feet and over in height, a giant in strength, few in numbers according to other great tribes, his bravery and fighting qualities enabled him to hold his own with surrounding tribes, Pottawatomes on south, Sauk and

Fox and Winnebago on southwest, the great Dakota or Sioux natives to west and Chippewa on shore of Superior to north, with the Hurons to east of them.

Characteristically, their word once given could be relied upon, each in turn, French, English and the American nations made their treaties with them and were faithfully kept. They were a peaceful nation, seldom the aggressor, but mighty in their wrath, once as justified in taking the war path.

From early times they have been the white man's friend. In our Civil War, many soldiers were recruited from its bands and today here exists the only Indian Q. I. R. Post in America.

Their pursuits are farming, lumbering and manufacture of lumber products. At Neopit is the seat of a large milling plant industry, capitalized for one million dollars. It has a saw mill with output of forty million feet yearly, a planing mill of twenty million capacity and carries a stock on hand of forty million feet lumber, also lath, shingles, etc. The town numbers about one thousand men, women and children, and here may be seen the advanced Indian living in his modern cottage surrounded with all the home comforts of modern life and partaking of the same social enjoyments as his white brother.

A modern Day school and Mission Day school furnish education to his children as does town life social instruction to his home, and the mill industrial education to himself and son.

At Keshona is the seat of the Agency, head of administrative affairs, and two large boarding schools, Government and Mission, with combined capacity for 300 children. Scattered out from Keshona for a radius of twelve miles is a scene of agricultural progress, Indian farmers whose

efforts very from farms of 5 to 80 acres, cleared, fenced and in various stages of improvement.

The tribal funds on deposit in Treasury of the United States are approximately two million dollars, gathered from fruits of their own toil and in sale of their timber products.

The tribe numbers about 1700 souls. Statistics show about 575 able bodied males, age 18 years and over. Labor figures for the Reserve show of this number an average of 264 adult Indians continuously employed the year round, earning in wages \$31,630.47 not including subsistence. The greatest value of the Neepit operations is as a school of industry. Its value educationally, morally and civilly cannot be measured in dollars and cents.

Report of Mr. Edward E. Ayer  
on the

MENOMINEE INDIAN RESERVATION

January, 1914.

President Vaux and Gentlemen of the Indian Commission:

At our meeting in Washington, early in November, 1913, it was stated that there had been certain complaints made in regard to the administration etc. of the Menominee Indian Reservation, and I was requested by you to make a personal investigation of it. Your request was very warmly seconded by Secretary of the Interior Lane and Indian Commissioner Sells.

It was getting late in the season; there had been no specific charges made, only that certain complaints had been made, so about the 18th of November I wrote to the Indian Agent stating that I contemplated looking over the reservation and asked him if he would not come to Chicago, thinking that I would like to have a talk with him. He replied to me that he had just been East; there were some imperative things that he had to attend to and that he would come to Chicago about the 1st of December, which was about ten or twelve days ahead.

Immediately after that I got a letter from Commissioner Sells, dated November 20th, stating that he had had an interview with a gentleman by the name of D. F. Tyrrell, who had made charges against the administration of the Indian Agent and his subordinates, and that he had requested the gentleman to put his charges in writing, which he did the same date. I hereby submit Mr. Sells' letter and the charges as made by Mr. Tyrrell as Exhibit 1.

Having something definite to go by I then wrote the Agent that I would arrive on the Reservation on November 28th.

I told Commissioner Sells in Washington that when I made this examination I would want him to send me one of the most reliable wood rangers that he had. I also brought to Chicago Mr. L. P. Holland, one of our leading superintendents from the South and a gentleman who had had more than twenty years' experience in logging etc; also made arrangements with our company to take Mr. Philip R. Smith, our Secretary & Treasurer, an expert bookkeeper and a man who had also had large experience going over our different cuttings for twenty years back once or twice a year; and also Mr. William Anderson, one of our best stenographers: my theory being that I wanted to have gentlemen of experience, absolutely unknown to the Reservation or what had ever been done there, to make the examinations for me.



Upon arriving at Shawano the morning of November 28th a gentleman introduced himself to me as Mr. Tyrrell, the gentleman who had made the charges on the Reservation. Commissioner Sells, in Exhibit 1, you will note had said he thought it would be well for me to give Mr. Tyrrell an interview. Under the conditions of Mr. Tyrrell's letter I concluded to do much more than that, that I wanted to give him every opportunity possible to substantiate these charges.

After arriving at Neopit and getting settled, meeting Mr. Nicholson and being introduced to some of his force who were there, we went over the mill property and into the yard and examined its condition, accompanied by Mr. Tyrrell and I would say eight or nine Indians, who were expected to produce evidence of mal-administration in the cutting, piling, and care taking etc. of the lumber and the conditions of the yard. We were also accompanied by the Indian Agent, the Foreman of the Yard, the Superintendent of the Mill, Mr. Holland and Mr. Smith.

In regard to the conditions of this mill, I want to exhibit the testimony of Mr. Holland, Exhibit 2, Mr. Smith, Exhibit 3, and Mr. Louis Kemnitz, a gentleman who was buying the elm logs and who had experience with most of the large yards in Wisconsin and Michigan, Exhibit 4.

I found that the yard had been formerly laid out largely over a deep slough, that they had driven piles in, forming foundations for the piles, in some cases 50-feet deep or more; that the trash of the mill had been used, as it is in all such places, to fill in this slough, and in several cases after being filled to the yard level had sunk 8 or 10 feet and sometimes more down into the water. I refer to the testimony of the yard foreman, Mr. Nelson, Exhibit 5, who has been in that capacity since the mill was located, during the administration preceding the present one.

I found that the waste in sawcuts was not larger than usual in first class mills and the surroundings and the yard itself was in as good condition as could have been expected, the mill only having been shut down a short time; it being a well known fact that it is impossible to keep any yard clean when you are running night and day. It seems half of the mill was shut down November 1st, when they immediately commenced to clean up the yard, and the other half about the 12th, when they put still more men on the work of cleaning, according to the testimony of Mr. Bernard Nelson, Exhibit 5, Mr. Thomas Prickett, Exhibit 7, and Superintendent Adams, Exhibit 6.

Mr. Thomas Prickett, Exhibit 7, and Mr. Louis LaFrambois, Exhibit 8, were two of the particular men depended upon by Mr. Tyrrell to substantiate his charges, and so I told Mr. Tyrrell, after taking the testimony of these two men, that I would send him a copy of it. After Mr. Prickett's testimony was taken a copy was sent to Mr. Tyrrell; he corresponded with Mr. Prickett, who reported to him in Exhibit 7A, and you will notice Mr. Prickett claims he told me that the yard had not been cleaned in two years. Several days after that, December 17th, I again interviewed Mr. Prickett, Exhibit 7B, where he reiterates that the yard was cleaned properly. Thus in Exhibit 7 he said the yard was clean, in Exhibit 7A he said it had not been cleaned in two years and again several days later, Exhibit 7B, he testified again that it was clean. You can draw your own conclusions in regard to this gentleman's testimony.

The other Indian mentioned as one of Mr. Tyrrell's principal advisors was Mr. Louis LaFrambois, Exhibit 8. I probably talked with this man an hour altogether, and Exhibit 8 is a copy of the interview as taken down by the stenographer in answer to the questions asked only. It seems that Mr. LaFrambois thought I ought to have taken down all he said or thought of, as illustrated in his letter to Mr. Tyrrell, Exhibit 8A. You will notice he never thought of being an Engineer until answering my question "Well, did you ever quit a job because they would not make you an Engineer?"

In Mr. Prickett's second interview, Exhibit 7B, you will note what he says about LaFrambois raising the \$250.00 for Mr. Ballinger. I wrote a letter to LaFrambois asking if it was true: his answer is Exhibit 8B. You will note that he did not answer the question at all.

It was represented by the Indians accompanying Mr. Tyrrell that there had been a great deal of lumber badly sawed, etc. and wasted, and Mr. T. J. Turney, Exhibit 9, was presented to me in company with Mr. Tyrrell, as a witness to that effect. His testimony is Exhibit 9, where you will note he finds much fault with the Superintendent of the mill, with the machinery and methods, which is absolutely contradicted by the testimony of the LaPorte brothers, Exhibit 10, one of whom worked opposite Mr. Turney, using the same carriage half of each 24 hours, and also by Superintendent Adams, Exhibit 6.

The next morning, November 29th, 1913, I had Mr. Nicholson, the Indian Agent, place the logging engine and car at our disposal.

The party consisted of Mr. J. P. Kinney, Supervisor of Forests, the gentleman assigned me by Commissioner Sells from Washington; Mr. Philip R. Smith and Mr. L. P. Holland, the two gentlemen who accompanied me; Mr. Nicholson the Indian Agent; Mr. E. J. Brigham, Superintendent of Logging on the Reservation; Mr. Lincoln Crowell, Deputy Supervisor of Forests, resident at the Reservation; Attorney D. F. Tyrrell; and ten Indians. I had suggested to Mr. Tyrrell that I thought five Indians would be enough, but he wanted more and I finally told him to take whoever he chose.

I introduced Mr. Tyrrell to Mr. Holland, Mr. Smith, Mr. Kinney and others and told Mr. Nicholson I desired they should go and look at everything in the timber that Mr. Tyrrell suggested.

While the gentlemen were in the woods on the 29th I took the opportunity to try to post myself about different classes at Neopit and made the following interviews:

First, with Mr. Peter Lookaround, a very intelligent Indian and one of the two principal store-keepers there, which I present as Exhibit 13.

Next, with Mr. C. A. Turtelet, the other principal merchant of Neopit, which I present as Exhibit 14.

I next interviewed the policeman, Mr. Joe Gristo, Exhibit 15.

	Next, Mr. Charles W. Chickeney, <u>Exhibit</u>
<u>16.</u> Next,	Mr. Frank Gauthier, <u>Exhibit 17,</u>
	Mr. John Kakatosh, <u>Exhibit 18,</u>
	Mr. Mose Tucker, <u>Exhibit 19,</u>
	Mr. Simon Beauprey, <u>Exhibit 20,</u>
	Mr. George McCall, <u>Exhibit 21,</u>
	Mr. Peter Lamotte, <u>Exhibit 22,</u>
	Mr. Wyeksesit, <u>Exhibit 23,</u>
	Mr. Chas. Freschett, <u>Exhibit 24,</u>
	Mr. Louis Oshkenaniew, <u>Exhibit 24A..</u>

In Exhibit 25 I present the testimony of Mr. Mitchell Oshkenaniew. You will see from the last part of his interview that he wants an attorney. That testimony was taken November 30th.

Exhibit 26 is a letter of December 3d from the same Mitchell Oshkenaniew, after a quarrel with Mr. Tyrrell.

I also present a letter from Mr. Nicholson, Exhibit 26A, dated December 4th, stating that Mr. Oshkenaniew

had been to his house and the way he treated the matter.

You will notice in the post-script of Mr. Nicholson's letter, Exhibit 25B, a reference to poor LeFrambois, who raised the \$250.00 which was sent to Mr. Bullinger, begging not to have deductions made in the little money coming to him, as he had a sick child.

In regard to the conditions in the woods, I desire first to present a summary of Mr. J. P. Kinney's detailed report, which is Exhibit 11; and another supplementary report of December 16th, Exhibit 11A, and a very able report itself, Exhibit 11B. I want to call attention to the fact that the 250,000 feet of hemlock mentioned in the last paragraph of Mr. Kinney's summary, Exhibit 11A, is the same as mentioned in the 3d paragraph, starting "For instance," on page 9 of Exhibit 11B.

I also present my wood superintendent, Mr. L. P. Holland's report, Exhibit 2, and Mr. Philip R. Smith's report, Exhibit 3.

On our third day there, the 30th of November, the whole party went into the woods again, starting at 7 o'clock in the morning and worked all that day. As all the lumber under investigation was that cut for three years, and it being very important that Mr. Holland and Mr. Smith should be attending to their duties, I sent them home that night, the 30th; and Mr. Kinney took the same party (except these two men and Mr. Nicholson) and went through another day, giving three days with the logging engine, and I think made a very careful and lengthy exhibit, which is fully set forth in the reports mentioned above.

Mr. Brigham and Mr. Crowell, Exhibits 12 and 12A, under instructions from Mr. Nicholson, immediately after this went over every part of past operations on the line of our railroad, skirted logging districts of '10, '11 and '12 and this past year, with instructions to scale everything merchantable, locate the 40s same were on and whether same could come to mill or not. Note of such instructions will be found in Mr. Nicholson's report, Exhibit 29B.

I have every day's work and the individual scaling of every log on file in my office, but send you the sworn summary of Mr. Brigham and Mr. Crowell, Exhibit 12, which shows a total measurement of 94,770 feet log scale. They estimate



that there was 33,250 feet not accessible, or probability of logging at least doubtful, and that there was 61,520 feet accessible to present year's operation. This is what was left of 95,000,000 feet of logging, about 300 logs or perhaps a 30th part of 1% left; and if they were sawed into lumber they would all go on two ordinary carloads of lumber. I hand you the sworn statement of Mr. Brigham and Mr. Crowell, as Exhibit 12.

In the interview with Mr. Brigham and Mr. Crowell, Exhibit 12A, you will notice that they both think that 30% of the 33,000 feet can be got to the mill, and if so it would leave not more than a carload and a half of sawed lumber, as the average logs out for the season was a trifle over 10 logs to the thousand.

In connection with the logging question I want to call your attention to paragraph 6 of Mr. Kinney's report, Exhibit 11, where he says, "It must be admitted that Mr. C. N. Woodcock, the Superintendent of Logging, worked with tremendous energy and that whatever his faults and mistakes may have been, he succeeded in bringing the logs from the Evergreen district to the Menominee Mills at Neopit at an exceptionally low figure. The cost of logs in the pond at Neopit out during the year 1910 to 1912 inclusive, in the Evergreen District, was from \$1.00 to \$2.00 less than the cost of logs under similar conditions at other mills in Wisconsin." That is, on nearly all the lumber in those years coming to this point there was a saving of at least fifty or sixty thousand dollars on this item alone.

I desire to call especial attention to paragraph nine of Exhibit 11, where Mr. Kinney treats particularly of the loss on the pine timber, and he estimates that by being left as long as it was the depreciation on this pine could not have amounted to more than 10%, which amounted to \$40.00. He says, "Is not this a mere bagatelle compared with the loss of time and cash which have been expended by the Indians in an unwise and misdirected attempt to make the little hill of non-feasance appear a mountain of mal-feasance?"

And in that connection; this agitation has been going on nearly a year; the Indians have been called to Shawano several times, railroad fare being 80 cents each way; they have paid the expenses of Mr. Tyrrell to Washington; they have been out of work for days and days; we have taken the time of the engine and crew for four or five days; the Government has sent its expert to help; I have brought our superintendent from Kentucky, our Secretary & Treasurer, and my stenographer to Neopit; made two trips up there myself; have worked with my stenographer what time he could get from his other duties for nearly a month on this report;- and the outcome of it all is,



according to the sworn testimony and reports of the Government's own men, and my men, that there has been in the neighborhood of two carloads of lumber left in 95,000,000. and that Mr. Woodcock, whom they have traduced most unmercifully, has saved the plant - consequently the Indians- many thousands of dollars, by good work.

I report a conversation had with Mr. D. F. Tyrrell, attorney, after my return from the first trip to Neopit, which I hope everybody that it comes before will read, because it is certainly interesting. This is Exhibit 26.

I said to Mr. Tyrrell at Neopit that the Indians were in an excited condition, that it was much to their injury and that he was the one that could quiet it, meaning that he was, absolutely, the man who had brought about that condition.

You can get an idea from this interview, Exhibit 26, as to what the gentleman wants, and how they want to earn it. As it seems, they consider it their duty to collect a million dollars from the Government for mal-administration on the Indian Reservation; then they want to collect a large amount from the Government and the Stockbridge Indians.

I did not have any data in regard to all the claims they had made to the Indians, so I wrote Mr. Nicholson January 2, asking if he could give me any data on the subject, and I have his letter of January 3d, marked Exhibit 290, giving a list of eight or nine different things they think they can do, and something in regard to the methods they have used.

I cannot help but feel that if there had been a hundred times the loss in money to the Menominee Indian tribe, it would not have compared with the damage done by these outsiders, and the few Indians they could control inside, to the tribe., by this agitation.

All these men insisted to me, including Mr. Tyrrell, that the plant was losing money. I tried to impress upon them that I had got the statements from the Treasury Department, also from the plant. It was impossible to make them believe that they were not fraudulent, that everybody was not lying to them, and I feel now that perhaps it would

would have been better if I had simply given Mr. Tyrrell an interview, as Mr. Sells suggested, and that I had insisted that it be outside of the Reservation. The four or five days he was there there was a constant turmoil among the Indians, a consultation every night, and taking the Indians into the woods and all that, I feel it was a great damage to the tribe to have permitted it.

In speaking of the expense that we have all been to in this matter it is also a matter of proof, according to the testimony of Mr. Prickett, Exhibit 7B, Mr. LaFrambois, Exhibit 8B, and Mr. Tyrrell himself, Exhibit 26, that there has been \$250.00 sent to Mr. Ballinger, \$125.00 raised to pay Mr. Tyrrell's expenses to Washington, and the money that Mr. Tyrrell says he was responsible for himself, \$200.00, was borrowed from a part blood not belonging to the tribe; making \$575.00 in all.

The whole proposition has been a wretched one. In fact, there is being a tremendous effort here to make bricks without straw; and it does seem to me that the present agitation and charges is a poor return for the efforts made to run a saw mill successfully and do it with nearly 50% of labor that can come when they please and go when they please. The whole testimony of all thinking people about the institution is that the building of the mill has been a great benefit to the Indians. I think both the Catholic Missionaries feel that way, and everybody who knows anything of the former conditions there. It certainly has been.

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In my second visit to the Menominee Reservation I had an interview with Mrs. Myrtle W. Marble, Field Matron at the Mission of Keshena, which speaks for itself. This is Exhibit 28. I think you will all agree with me that her recommendations are very practical.

On this second visit to the reservation, I spent the first afternoon and the next forenoon visiting the homes of the Indians of the village and surrounding country. I was very much pleased with

the cleanliness of the Indians and I want to express in the highest terms the benefits that the Catholic Missions have been to the Indians on the Menominee Reservation. It is pronounced in every way. They are soberer, cleaner and better people.

I went over the hospital at Keshena and found it comfortable, clean and well organized.

I also went into the homes of a large number of Pagan Indians, where I found a good many charming personalities. I didn't, in fact, see but two that were particularly and grossly offensive, and they were two families of very dissipated Indians. All in all I found the Indian condition, from the two intelligent, live merchants already mentioned in Neopit, to all of those except the two mentioned that I saw in the Pagan houses, living comparatively comfortably.

But the system of dealing with the older Indians on this Reservation is not fair. They have a large amount of property, say in the neighborhood of ten millions, that belong to the tribe. It is so well invested in timber and land that it is going to be a perpetual inheritance. There ought to be some better way of taking care of the old people, letting them enjoy their full share to a greater extent.

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I have already taken up with the State government of Wisconsin, asking them to establish one of their travelling libraries at Neopit, and will also ask them to do the same at Keshena.

I make the following recommendations that it seems to me ought to be carried out:

1- The plant is tremendously handicapped in only having a cheap railroad with small supply of cars etc. to ship its product. I recommend that arrangements be made to allow the Chicago & North-Western Railroad to come in from the south under a contract satisfactory to the Department. I use the term "from the south" from the fact that they are nearer the reservation from the west but that would add 50 or 60 miles to every car that went out of the plant routed for the south.

2- I recommend that the Reservation be cruised, that there be a report made showing the approximate amount and class of timber on every section of the reservation. Some people say there are two billion, some say one and some one and a half billion. I think the Department ought to know positively, for their future guidance, what is on the Reservation and also the same investigation should classify the lands for agricultural purposes.

3- In my judgment it would be safe and proper to allow each Indian on the Reservation \$500.00 in money; this money to be placed to the credit of each Indian and to be used for their benefit on the recommendation of the Agent and under the control of the Agent wherever there is any danger of anybody using the money unwisely. Bill H.R. 10832, introduced by Mr. Stephens of Texas, December 17, 1913, would seem to give authority to carry out this recommendation, as well as the next one in regard to advances for farming.

4- I recommend that farms be allotted to Indians wishing to become farmers, the grant of the Government to be so framed as to preclude alienation within a period of 50 years from the date of grant; the land not to be subject to lien or incumbrance of any kind; the land to be granted for farming purposes exclusively.

I recommend that in addition to the \$500.00 that each Indian gets in the above mentioned allotment three or four hundred dollars more be given to any Indian who takes up a farm, to be charged to his individual account as against the balance of money in the treasury belonging to him, and that this amount be used solely and fully for the purpose of helping to put buildings, stock, etc. on his farm. It is utterly impractical to undertake or expect these Indians to clear up a farm and get it going without help, and in my judgment the future prosperity of these Indians depends on their being taught farming.

5- I recommend that two, four or six of the brightest young Indians on the Reservation be sent to Wisconsin State College of Agriculture at Madison to take a full course in Forestry and Scientific Farming, that they may come back to the Reservation equipped to teach the Indians who have elected to make farms.

To show the importance of this I will state that in the State of Illinois each county has a



man whose sole duty it is to go down amongst the farmers, rich and poor, and teach them about the best kind of stock, how to treat it, analyze their land, confer with them about the best sort of crops and how to fertilize for it. If it is important in the State of Illinois, amongst the rich farmers, you can see how it would apply amongst Indians just starting.

6- I found the most astonishing system of selling this lumber in force by the orders of the Department, at the mills. Under the system now in vogue it is possible to do only very little with the big concerns that expect to make at least \$2.00 a thousand on every stick they buy in that way. This could be entirely saved, making a difference of from 40 to 60 thousand dollars a year to the mills, by employing a bright salesman, say at \$2,000 a year and expenses, to travel amongst the lumber yards in the small towns that are tributary to this plant in Southern Wisconsin, Illinois, Indiana and Iowa, and sell this lumber.

It seems to me that rules might be arranged having each check drawn to the Government etc. and make this safe. Bradstreet's could be taken to find the leading lumbermen in each town, those that are abundantly safe - and nearly all of them are rich - so that you would lose but a very small amount, if any. To illustrate this, I know of three, four or five lumber yards in the immediate vicinity of my country home in Wisconsin that I would guarantee all they bought, if it was the entire cut of the plant, for 10 cents a yard.

7- In the many thousand acres of land on this reservation there is an enormous amount of food for cows and young stock growing and going to waste every year. I think the reservation should be investigated with the view of starting a trial herd there of a thousand head of cows, to be herded by Indians with their ponies and to be allowed to increase to the full extent, that hay could be cut in certain protected districts to get them through the winter. There is certainly enough food there for nine months of the year for several thousand head, and at the price that cattle are now and always will be there will be a large profit in turning off the two and three year old stews each Fall to be sent down, if not fat enough for beef, for feeders. It seems too bad, in the present condition of the meat supply of our country, that enormous districts like this should be allowed to go to waste.



8- I recommend that there be a Department connected with the school in Keshena, and another in the school at Neopit, teaching girls how to do house-work, sewing, etc; and a manual training school for boys, to teach them how to use their hands.

9- I would also recommend that there be a company or tribal store at Neopit and a branch one at Keshena and that the goods shall be sold say on a basis of 12½ or 15%, which would make the stores absolutely self-sustaining and the Indians would get the necessities of life much cheaper. These stores should also carry a stock of the ordinary agricultural tools that might be used and there should also be a bank, say with forty or fifty thousand dollars' capital connected with the Neopit store, where the employees of the mill could get checks cashed.

Now, if they want to buy anything extraordinary, an agricultural tool or any other thing, or cash their check, they have got to go twenty miles away to Shawano for the purpose, and they are subjected to all the temptations of the outside towns. I think everything ought to be supplied to the Indians on the Reservation so that they would have as little necessity of leaving it as possible.

I know of no settlement in the country of seventeen or eighteen hundred Indians, beside 200 or 300 whites, that has not banking facilities. Each employe of the plant has to suffer an exchange for getting his check cashed.

I should not think of starting a store without purchasing the property of Mr. Lookaround and Mr. Turtelet and trying to get them to run it for the benefit of the Agency and under the directions of the Indian Agent.

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I purposely refrained from having any conversation with Mr. Nicholson about the conditions at the plant, until I had examined the conditions there, taken all the testimony but one or two pieces and got the reports from our men in the woods, etc. I then wrote him a series of questions covering general conditions there, and these questions and his replies I submit as Exhibit 29, and I want to say that there have been some grave charges proffered against the management of this mill and it is no more than justice to Mr. Nicholson that every officer of the Department that this report is referred to should read his defense and his illustration of conditions there.

On December 4th I wrote Mr. Nicholson in regard to railroad rates and the railroad conditions there, to which he answered fully on December 8th, Exhibit 29A. This is a very important question and his views on the subject are certainly practical and worthy of consideration.

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To sum up my impressions on the conditions that the Government has placed over the logging, milling and disposing of the lumber:

I don't think I have thought of it since I first went to the Reservation that my mind did not revert to making bricks without straw. I think the Government has done a very wise thing in having this mill built; I think it has been of tremendous benefit to the Indians, and the reports show that it has made \$444,000.00 in the last two years, including the value of the stumpage.

It seems mighty good work to me that it could be done, when half of the labor employed was compulsory practically; that a person could leave his work at any time without notice, stay away as long as he had a mine to, come back when he chose and still get a job; after the lumber was made that it was sold under such conditions. I feel very sure that the mill, outside of the lumber they have sold in the pine and lumber logs in the woods, in other words every stick of lumber that they sold they got at least \$2.00 a thousand less than they could have got had it been sold in the usual way.

The United States Government army can't buy that lumber, because they have got to ask for bids; the lumber can't be sold, because they can't sell without asking for bids. It seems ridiculous.

The employment of the Indian part can't be helped, and nobody would want to help it if they could, because the prime idea in establishing the plant - and it was a wise one - was to teach these Indians to work, and it is certainly doing it.

The conditions that I found in regard to outside influences was appalling. That any intelligent man would write such a letter as Mr. Tyrrell did to Commission Sells, based on the say so of four or five, six or eight discredited men, in a way (it seems most of these men had been tried and

found wanting) is beyond my comprehension.

The reports of your very able wood ranger, Mr. Kinney, and the other wood ranger, Mr. Crowell, both Government employees, and the reports of Mr. Holland and Mr. Smith; in fact, everything on the place, the cleanliness of the yard, the cleanliness of the Supply Department, the cleanliness of the towns, showed the untruth of the charges.

And then that men should absolutely deny statements of the prosperity of the plant, the books in Washington showing that the funds had been increased largely in the past two years, and still go up and down the Reservation claiming that it was not true, that the mill was losing money. Look at the testimony of the splendid Wyaskanit, Exhibit 23. He knew they were not making any money because where was it? He knew the mill had been losing money, because they didn't get it,- he had been told so.

A man must be in desperate straits who will conduct himself in any investigation the way Mr. Tyrrell did in his talk to and before the Indians on all occasions, as testified to by the gentlemen in the logging party. Then I feel mortified that a man would come to me and ask me if I would approve of an attorney to stand between such men and the Government agent and the United States government.

Of course, the whole motive of going into the woods nearly a year ago, stirring up these disaffected Indians, in the same one that has been at the bottom of every attack on Indian property,- the desire and hope of getting some of it.

I don't think that Mr. Tyrrell, the attorney, is a dishonest man, but I feel that he is far, far away from a wise one; and I feel that it would be a calamity to have any attorney appointed for the Menominee Reservation for the purposes that Mr. Tyrrell outlined to me in his interview, Exhibit 26, and that Brickett and Oshkenaniew (Exhibits 7B and 25, respectively) testified they want an attorney for, to protect them from the Agent. I have understood it was against the law to go on to the Reservation for any such purposes as Mr. Tyrrell was there. Unfortunately for the Indian, and I think for the investigation, his time was industriously employed in the three or four days he was there while the investigation was going on.

At this point I want to introduce the testimony of Mr. Reginald Oakkosh, Exhibit 21, a full blooded Indian and Tribal Chief of the Menominee Tribe, who for the past year or two, as you will see by Exhibit 29 of Mr. Nicholson, has been pulling himself together and doing good work. It certainly speaks for itself and I hope that whoever sees this report will read it.

I received an astonishing letter from Congressman Menap to Mr. Abbott, in regard to my investigation, grossly insulting me and the Commission through me. I hereby submit a copy of same and my answer to him, as Exhibit 30, in my report.

I also sent a copy of same to Secretary Lane, and Indian Commissioner Sells, that they might see the kind of influence that is being brought to bear to belittle the work of the Commission.

The testimony complained of in Congressman Menap's letter is that of Mr. Thomas Prickett, Exhibit 73, in my report.

I also want to call attention to a letter written by a gentleman who has been about the Reservation for seventeen years, and who has written a very calm and dignified letter in regard to the conditions there, which I present as Exhibit 32. It certainly shows the improvement that has been made during the past years and this gentleman's recommendations and suggestions are all good.

I have laid some stress, in this report, on the old people of the Reservation, who are not getting the benefit of their wealth, and who at the best can only last a short time. I think there ought to be something given to this class of people and to the ill and infirm who are incapable of working, each year.

The claim has been made that the mill was selecting the best timber, therefore making a better shoring than could be continued.

The mill I don't think has made any effort to select the best timber. It will be seen that they were forced by the big fire to a certain locality. They were also forced to take the best timber here as there was so much burned over they could not lumber it all before some of it must deteriorate very much. Forest Supervisor Winney, you will note, has gone into this fully. The 1,500,000 feet Mr. Tyrrell speaks of is the



250,000 feet of Hemlock Mr. Kinney mentions, and says, Hemlock was so cheap that at the time it would not have paid to cut it. The only selections that have been made in pine was for the heavy timber and for that it is shown that they received as much per thousand for the whole log standing, \$70.00 per thousand, as they could get for say the best 25% of the lumber the log would make; and the amount sold this way has been a small percentage of the whole white pine cut. The elm so sold has been at a still higher price relatively, about \$47.00 per thousand, standing, and you will note the mill has made a good profit, the past two years, after allowing for the higher stumpage for the white pine.

As far as I can learn no man knows but little of the amount of quality of the timber left on the Reservation and still less of the nature of the cut-over and untimbered parts of the Reservation, and its adaptability for farming and grazing. The timber is estimated to be between one thousand five hundred million and two thousand million. It is for this reason I recommend so earnestly the cruising of the whole reservation showing the timber, kinds and quality on each quarter section; the quality of the land, whether good for farming, grazing, reforestry or worthless. I think good reliable capable men could be hired to do this for five cents an acre. Then a comprehensive plan could be laid out covering the management of the whole reservation for years in advance.

During this administration there has been  
 x 1,610,690 feet of pine sold at these high prices, in  
 log measurement, and x 651,088 feet of rock elm. Very  
 3/4 little of this rock elm has as yet been shipped.

I will say, in winding up this report, that I have done no business in Wisconsin for 15 or 16 years, that I never did any business on any Indian Reservation in Wisconsin that I know of. I never remember of having seen any man, woman or child before that I met on the Reservation except the people I took with me. And I take the liberty of recommending that whenever there is a change made in the Indian Agent or any attorney appointed to represent the Menominee Indians that it shall not be anybody who has, or who ever has had, any business relations or acquaintances within a hundred miles of the Reservation.

Respectfully submitted,

January, 1914.

*Edward E. Ayer*  
 Member of the Board of  
 Indian Commissioners.



SUPPLEMENTARY

Report of Mr. Edward E. Ayer

on the

MENOMINEE INDIAN RESERVATION

January, 1914

President Vaux and Gentlemen of the Indian Commission:

In my letter transmitting my report I said I would probably have a Supplementary Report to submit. I concluded to try to get expressions from more of the Indians, in the first place, and from some I had already examined on a little different ground, so I transmit, now, the balance of my report.

The questions I asked of the Indians pertain in particular to the promises which have been made by the people who are endeavoring to get the position of attorneys for the tribe and I present Mr. Lookaround's testimony as Exhibit 13 A.

About January 8th I got a letter from Mr. Mitchell Oshkenaniew, - in fact, two letters, - which I present as Exhibit 25C. You will notice that during September Mr. Ballinger wrote Mitchell Oshkenaniew a letter stating the total loss to the tribe during the 5 years' operation was \$1,429,426.41. Such method as this was used to inflame them against the conditions there, of course. You will notice that Mr. Ballinger had evidently forgotten there was several hundred thousand dollars worth of lumber and a great many other things that should be credited to this amount.

A question asked Mr. Tyrrell, and his answer, I present as Exhibit 27A, to go with other things pertaining to him in my former report.

I felt I had not gone, as carefully as I desired, into the lumber operation, credited stumpage etc. for the past three years, so I asked Mr. Nicholson for information as to how much lumber had been logged, manufactured and sold during each of the three years; how much stumpage was charged against each class; what percentage was left after charging the said stumpage, as profit for the year; and also if the stumpage rate that he was using was about the same as used by other lumber companies, as far as he knew; and the percentages of earnings on capital stock after said charges.

I submit this as a special exhibit, No. 33. You will note that after charging stumpage of 443,176 there was a net profit of \$245,213; and he has answered my question as to the percentage paid on the capital stock on the second sheet of this exhibit; also figured how much it would be if the \$269,00 lost before he came there was taken out of capital stock.

I have interviewed one of our leading lumber companies, - the Oconto Company - and showed them the stumpage rate used by the Menominee Mill. They didn't

think it was enough, although they thought our white pine was probably better than theirs (they used \$10 a thousand and the Menominee figure is \$11.00). I find, on using the list given me by them on the entire out of the three years on each class of timber that it adds up \$39,879.38 to the stumpage, which, subtracted from \$246,213.55 leaves \$206,334.17 net profit after charging stumpage to proper amounts as indicated by the President of the Oconto Co. I will also say that the stumpage used at the mill was that recommended by the Indian Office, letter of February 5, 1912, I.O. File 102661-1911.

At the end of Exhibit 33 you will find three sheets giving the cut of each year, of each class. As already stated in my former report they were forced into cutting more white pine than usual on account of the fire, for the two years 1911 and 1912. During the years 1912 and 1913 they only cut three million, which was less than 10%, and you will see from the former report that the amount of white pine on the entire reservation is 10% of the estimated quantity.

As it may not be in quite as good shape there, I include a copy in this is Exhibit 33A, showing the estimated timber on the entire Reservation; and also on this same sheet I give the prices furnished me by the Oconto Company; and I also send you as Exhibit 33B, a sheet showing the total cut of each class of timber cut on the Reservation for the past three years, and the stumpage carried out as per the Oconto Company's recommendation.

I am sending another set of Mr. Kemnitz's testimony, which has his affidavit annexed, and this will take the place of Exhibit 4 which I have already sent you.

Exhibits 34, 35, 36, 37, 38 and 39 are the opinions of Indians about Weshana, in regard to the affairs and what action Mr. Tyrrell has taken in regard to the Reservation. You will notice in No. 35, Pywaukee, he states that they had already paid Mr. Tyrrell \$500.00.

You will notice that practically all these men who have furnished money to Mr. Ballinger and Tyrrell have been told that they would get it back, out of the tribal funds. You will notice in one case, Exhibit 39, Tomaw, where he has taken \$20.00 belonging to the Temperance Society to put into the fund for attorneys,- says the tribe is to pay it back.

Now, as I understand the law, nobody can represent these Indians unless it is approved by the Government in Washington. If that is true it is entirely illegal to ask these Indians for any money for any purpose until such

approval had been gained and attorneys for the tribe had been established. If I am right about this, these men should be made to immediately refund this money to the members of the tribe, as they all say the money is to be refunded from the tribal funds, that they advanced.

I am inclined to think, under the circumstances, that the Indians on this Reservation ought to have some money in the shape of annuities, in the near future. They have been having it, more or less, for a good many years, and you will note all the way through the testimony that they practically all claim that if they were getting their annuities they would think it was alright, but that the money must have been lost because they don't get annuities.

The recommendations that I have made, as for furnishing farm lands, money for education, tribal cattle etc. will take more or less time and most of them need legislation before they can be carried out. In the meantime it is very necessary that conditions should be quieted on the Reservation and I think that if this was done, and done through the hands of the Government, itself, without any lawyers or outside influences, it would have a most salutary effect on the entire tribe.

Respectfully Submitted

January, 1914

*Edward E. Ayer*

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Member of the Board of  
Indian Commissioners.

Supplemental

Report of Mr. Edward B. Ayer

on

Establishment of Stores & Bank

on

MEBOMINTEE INDIAN RESERVATION

October, 1914.

For Mr. Edward B. Ayer's file

Approved by the Indian Commission  
and ordered delivered.



To Chairman Vaux and Gentlemen of the Indian Commission:

I beg to make the following report in regard to the feasibility of establishing <sup>communal</sup> stores and a bank at the Menominee Indian Reservation. I take the matter up again at the suggestion of Commissioner Sells and I find the conditions as noted below there. I should certainly strongly recommend the establishment of a communal store at Neopit and a smaller branch at Keshena; and in connection with the store, a banking department at Neopit, and a small branch at Keshena, where money could be deposited and exchanged.

The territory and custom for which this business would have the large majority of the trade would be the Reservation members of the tribe, 1700 in members, 300 non-members, and employes 600, married employes' families, increasing numbers of persons, say, 300, making a total of 2900 persons. It is safe, I think, to assume that the average expenditure for subsistence and supplies would be \$8.00 monthly or \$100.00 per year, cash. This for 2900 persons would mean a gross receipt of \$290,000.00 per year, out of which could be figured an average of 20% profit on all costs, leaving a net profit of \$58,000.00, and still furnish supplies to inhabitants here for considerably less than present costs, and the profits would belong to the Tribe. This fact alone would stimulate them and have a strong tendency to enlighten them as to the business.

Another feature of the store that must be figured largely on account of its economic value is the incentive to the Indian to work in order to have credit at the store. Of course, there would be some bad accounts that would not be collected for the usual thirty days, as in spite of all carefulness, some Indian receiving credit would fall down on his obligations to pay, but barring death, even these could be collected in time, and in case of death, inasmuch as the debt would be for merchandise used by the Indian, his tribal share could well stand the burden, as it was for his benefit.

The proposition of a general store for benefit of residents of the

reservation is thoroughly in line with present day co-operation purchasing combinations that seem to be the spirit of the times for the mutual benefit of all concerned. There seems to be no good reason why the Indian should be compelled to go off the Reserve, pay double price and thus handicap his simple efforts to be self-sustaining, by carrying a load of debt in the shape of purchase of subsistence or implements for work at an exorbitant price, when the United States, his guardian, could purchase and supply him at a reasonable price.

I find at Keshena one trader's store owned by Jerome Law; store building perhaps worth at outside \$500.00. This building would not be of much service, being too small for the purpose. The stock of supplies carried would not be valued at over \$300.00. There is another store building at present vacant that could be secured for \$1000.00.

At Neopit is a general trading store of the Neopit Mercantile Co. Building possibly worth \$3000.00, stock \$5000.00. The general store of Peter Lockaround, building worth \$6000.00, stock \$5000.00. Several other small stores in town, but do not think interference would be much, as they are dealing principally in confectionery, tobacco, bakery, etc.

Summing up, we have this situation to eliminate:-

Jerome Lawe,	Trader, Keshena,	Store Building	\$ 500.00	stock \$ 300.00
Peter Lockaround	" Neopit	" "	6000.00	" 3000.00
Neopit Merc. Co.	" Neopit	" "	3000.00	" 5000.00
			<u>\$9500.00</u>	<u>\$10300.00</u>

say, a first investment of \$20,000.00 to be fair to every interest. Re-organization would probably demand increased and more varied stock with enlargement of Keshena's present facilities, including what is not now carried, hardware and agricultural implements and supplies. This would make a preliminary first outlay in buildings of \$9000.00, using Lockaround's store for general dry goods and groceries, meats, etc., Neopit Mercantile Company's building for implements, hardware and furniture, carrying a stock in same valued at, say, \$12,000.00, while at Keshena could be utilized a present empty building for dry goods and groceries, and warehouse addition for hardware implements, etc. making, say, \$2000.00 for

buildings and \$5000.00 for stock. Summed up, the investment would be:-

Buildings.	Neopit	\$9000.00	stock	\$12,000.00
"	Kashona	2000.00	"	6,000.00

or, at the outside, a total investment of \$30,000.00.

This whole proposition, however, hinges on the question of its being permitted to do business, with reasonable removal of Government restrictions. Too much system would be its death knell, and yet there must be reasonable check to avoid possible loss and proper accounting of the business. Properly worked out, this proposal would result in an untold advantage in every direction; saving to the Indian, encouragement to improve and progress; profit to the Tribe, in which each would materially benefit. One single feature would be to encourage him to patronize his home stores, which would remove necessity for his going to town, with its many temptations to fall from grace and be swindled.

This can be much easier safeguarded now than at former times by the use of cash registers. The National Cash Register Company gave me the following concise data which explains the marvelous efficiency and safety of these cash registers:-

"Ten Reasons why this modern National Cash Register will Benefit you.

1. A quick and accurate method of handling cash sales.
2. The best method of enforcing a record of each charge sale.
3. An enforced record of money received on account.
4. A knowledge and record of all money paid out.
5. A check on each clerk's cash.
6. Accurate, unchangeable records.
7. A means of preventing errors and carelessness.
8. A method of stimulating the ambition of your clerks.
9. A printed record in detail of all transactions.
10. Positive and quick information relative to the details of your business."

They recommend the use of their No. 592-XL-5 Register which is a combination receipt and slip-printer, and make price on same of \$675.00

less five percent - delivered. This register will pay for itself because it stops mistakes and removes temptation. This register has six cash drawers for the individual clerks together with four other compartments for records, etc. They make an alternate price of \$565.00 for same register with a single cash drawer.

In regard to the establishment of a Savings Bank at Neopit, it seems to me that this is very important. There is about \$300,000.00 a year paid out for help - Indian and White - at the Menominee Reservation, beside any distributions of Government money and anything around outside of the Mill at Neopit. Each pay day a man comes up from the Bank at Shawano with a satchel of currency and cashes the Government drafts at a discount. If his cash given out he gives checks on his own bank and still gets the discount and the Indian still has a check. A savings bank paying, say, three percent on deposits in connection with the store at Neopit is almost a necessity as a great effort should be made to get the Indians to put as much of their monthly wages as possible into the savings bank, thereby saving it. As it is now, the month's salary is turned into cash at the end of each month, - no safe place to keep it except in the Indian's pocket and, of course, there is a concerted effort by the surroundings outside of the Reservation to get it out of that and it is generally successful. A little interest coming to these Indians from their money would certainly be a revelation to them and would be an incentive to save. There could be one clerk in the store at Neopit to be assigned to keeping the books of the Bank and attending to its affairs. There should be some arrangements made, if possible, to have the store at Keshena also receive moneys and transmit to the Bank itself at Neopit. I feel that both the store and the bank would be one of the most beneficial things that could be done to keep the Indian on his reservation and to conserve his money.

Respectfully submitted,

*Edward E. Ayer*

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Member Board of  
Indian Commissioners



Report of Mr. Edward E. Ayer

on

THE LUMBER SELLING RULES

of

The Menominee Mills.

October 1914.

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For Mr. Edw. E. Ayer's File

Approved by the Indian Commission  
and ordered delivered.



To Chairman Vaux and the Members of the Indian Commission:

I take the liberty of again referring to the selling rules of the Menominee Mills at Neopit. On every thousand feet of sawed lumber that has been sold under the present rules as commanded by the law, Act of March 1908, (which were put in force before the present administration), the mill has uselessly lost from one dollar on the cheap grades, to three dollars or more on the finer grades, to say nothing of being unable to sell or move the product on a slow market.

The rules for selling lumber at the Menominee Mills should be such as are used by all its competitors, with reasonable check as precaution against loss or fraud.

The great market for lumber is the country yards who usually discount their bills on fifteen days credit. This gives them a chance to see the lumber. They are practically all good.

The mill should make every effort to dispose of its output to these yards (who sell direct to the user), thereby saving to itself the greater part of the middleman's profit or commission.

There should be a good lumber salesman employed, preferably selected from some one growing up in its business who knows the mill's products, its grades and the territory it can market in, at not over twelve hundred dollars (\$1200.00) per annum, and expenses, to travel amongst the country yards in southern Wisconsin, Iowa, Illinois, and perhaps Nebraska. He, of course, handles no money, the checks being sent direct to the mill. You get rid of all possibilities of combination by this method as the yards are from two to ten miles apart. Every effort should be made to sell the output in this way. But should there be an excess of any class, then it should be advertised and disposed of in that way. The mill is in a particularly critical position now and will remain so while these hard times last and until the awful rules for selling lumber are changed, for

the following reasons:- While the farmers are very prosperous on account of high prices of meat and grains, and in the country towns and on the farm there is a great deal of building; the lack of building in all the cities; the railroads are not buying; export lumber is dull, and the big lumber concerns who have been buying the Menominee lumber at auction are now making more lumber than the market demands for the country village and farm, and the Menominee Mills are absolutely shut out of that market by its stupid rules which have got to go to Congress for remodeling or for amendment to laws in this respect. The rules for selling lumber by the Indians' Mills should be left to the Secretary of the Interior.

Another loss more directly felt and suffered by the Indian, directly traceable to present regulations based on verbiage of the law is due to the fact that slow and low markets make sales impossible under present conditions. This necessitates carrying the stock, and result -- full inventory in yard; a consequent shut down of operations due to stock not moved, and Indians suffering in shape of loss wage, be it the \$26.00 to \$35.00 per month and board in woods, or the \$2.00 per day as common labor in mill or yard. Loss of wages at this particular time means no money for seed next spring, or extra cash or seed stock to tide over such emergency, consequently here is directly traceable a possible cause of loss in agricultural effort.

Respectfully submitted,

*Edward E. Ayer*

Member of the Board of  
Indian Commissioners.

October, 1914.

*1 Tyrrell to Mr. Sells*

Copy of letter from Mr. D. F. Tyrrell to Hon. Cato Sells, dated November 20, 1913, and Mr. Sells' letter to Mr. Edward E. Ayer, dated November 20, 1913, inclosing copy of Mr. Tyrrell's letter, all relative to the affairs on the Menominee Indian Reservation.

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Department of the Interior  
Office Commissioner of Indian Affairs  
Washington

November 20, 1913.

My dear Mr. Ayer:

After an interview with Mr. D. F. Tyrrell, of Gillette, Wisconsin, yesterday, I requested him to write me a letter stating conditions as he understands them to exist at Menominee, and that he also leave with me certain photographs taken by him.

I received his letter today and am herewith enclosing same to you with the photographs, that you may have the benefit of his suggestions.

Mr. Tyrrell seems to be a very earnest and intelligent man and I think it would be well for you to have an interview with him.

I wish you would advise me a few days in advance of the time when you start for Wisconsin, so that I can arrange for one of my men in the Forestry Service to accompany you, as you requested.

To the extent that I can be of service to you, please command me.

Very truly yours,

(Signed) Cato Sells,  
Commissioner.

Hon. E. W. Ayer,  
Ry. Exchange Bldg.,  
Chicago, Ill.

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(C O P Y)

Washington, D. C.  
November 20, 1913.

Hon. Cato Sells,  
Commissioner of Indian Affairs,  
Washington, D. C.

My dear Sir:

Pursuant to request I herewith submit to you certain data, relative to the Menominee Indian matter.

I am not conversant with the conditions existing throughout the entire area covered by the logging operations on the reservation, but that portion with which I am familiar bears ample and convincing evidence that the operations are

being conducted at a heavy loss to the tribe.

The work, seemingly, has been and is being carried on with little or no regard for profit. Waste is evident on all sides. (Note exhibits hereto attached and more specifically referred to herein.)

Splendid timber has been cut and left to rot in the woods. (Note exhibits 1 & 2).

White pine and Norway logs, containing the very best of lumber, may be seen skidded in the woods and left to the mercy of the weather and worms and in this same area may also be seen other white pine and Norway logs that have been cut and swamped and not even skidded but simply left where cut.

Logging roads have been cut and splendid logs piled on each side of them and left. These roads were never used after being cut.

Large trees, both green and dead, have been left along the logging railroad notwithstanding the fact that they contained valuable lumber and stood only a few feet from the right of way.

In one place ties, posts and poles were scattered around. In another a large number of pieces of cedar had been cut and left in the woods.

I found that the white pine and Norway had been cut from a tract of burnt timber and at least 1½ million feet of fine hemlock left to spoil. (Exhibits 10 and 11 give a view of this tract. Exhibit 11 also gives a view of the camp, known as old camp 12, I believe, which is located practically at the edge of this tract. The track ran between these camps and this tract and a portion of the right of way is shown by light streak at point marked "X". The dark streak in Exhibit 10 shows the same tract from another angle.)

White pine logs, scaling not less than 500 feet of the finest white pine lumber that ever grew in the State of Wisconsin, I found cut and left in the woods to be destroyed by the weather and worms. (See Exhibits 1 and 2).

In one small area I counted not less than 14 white pine logs, none of them less than 12 feet long and one of them at least 24 feet long and containing the cream of white pine lumber, that had been left in the woods. These logs will average not less than 2½ feet at the small end. In this same area were two white pine trees, measuring not less than 70 feet from butt to first limb, or to be exact, 24 paces, that had been felled and left to decay. From these trees could have been cut the very finest quality of white pine lumber. In this same area I found a piece of hewed timber, about 20 inches square and not less than 40 feet in length, or, to be exact, 14 paces, that had been left where hewed.

Please note, Mr. Commissioner, that these logs and trees just referred to were as good as any that ever grew in the State of Wisconsin or anywhere else. I cannot make

this statement too strong.

I found large areas that had just been skimmed over, the best taken out and want quantities of valuable timber, both dead and down as well as green and standing, left.

All of the timber that I have mentioned in this statement has been left to spoil as the track has been taken up and, if it is ever logged, it will be at a great expense and after it has become nothing more than cull timber.

A large burned over area, containing several million feet of valuable timber remains uncut and uncareed for notwithstanding the fact that it was burned over several years ago. In the neglect to properly handle this tract, alone, the tribe has sustained an enormous loss.

In the manufacture of square timber the tribe is suffering a great and grievous loss. Only the best of timber is taken. Nothing but the largest and tallest trees are used and they must be perfectly round.

In the howing many feet of the finest lumber is lost in the slabs taken off. I would estimate this loss to be not less than 200 feet to each piece, because the valuable timber left in the tops which in many instances would bring the amount up to several hundred feet. (See Exhibit 2 showing slabs against tree). A future loss will result from the fact that the taking of this select timber leaves an inferior grade of timber, which will not bring as much as it would were it sold in conjunction with the select stuff.

In one instance a watering trough had been hewed from a white pine log, at least thirty feet long, and worth in lumber, I should judge, not less than \$20.00. A trough could have been made from hemlock plank at a cost not to exceed \$2.50 and the horses would never have known the difference and the tribe would have saved \$25.00 or more.

Green lumber is being cut today while millions of feet of burnt timber is going to waste.

Valuable lumber is being thrown into the "hog" ground up and hauled out and dumped into the slough.

Valuable lumber has been dumped into this same slough and covered over with this ground up wood from the "hog." The places where this lumber has been buried can be pointed out. (Exhibits 6 and 7 give some idea of this waste).

A great deal of material from which considerable revenue could be realized has been and is being thrown into the "burner."

Exhibit 9 shows what is known as the "sink hole." Into this hole has been dumped some 300 carloads of gravel besides a large quantity of logs. Had the track been run but a few feet to one side it would have had high ground and this hole avoided.



Mr. Tyrrell's letter to Mr. Sells - page 4.

Mr. Commissioner, I realize that I have made some very strong statements herein. I feel that it is up to me to prove them. I earnestly request that you give me an opportunity to do so. Kindly allow me to point out the things I have referred to. In fact I feel that it is quite possible that some of these items will not be located unless I do point them out. I would be pleased to meet any representative from your department at Shawano, Wisconsin, at any time, the sooner the better however, and go over this matter carefully with him. Thanking you for the opportunity to present these facts, I am,

Respectfully yours,

(Signed) D. F. Tyrrell  
P. O. Address, Gillett, Wisconsin.

Mr. Commissioner, it has just occurred to me that I was informed by members of the tribe, some time ago, that they had commenced to dry in some of this timber that had been cut and left in woods. If such has been done it was at a great expense and after the timber had greatly deteriorated in quality and value and for the purpose only of getting it out of the way. If an inspection is made, before snow comes, evidences of this work, if any done, will be readily apparent.

(Signed) D. F. Tyrrell.

Copy of Report of Mr. L. P. Holland, woodsman in the employ of Ayer & Lord Tie Company, Chicago. Dated Paducah, Ky. December 4, 1913.

Hon. Edward E. Ayer,  
Indian Commissioner,  
Chicago, Illinois.

Paducah, Ky. Dec. 4, 1913.

Dear Sir:

I herewith hand you my report on three days' investigation beginning November 28th, 1913, of work being done on the Menominee and Stockbridge Indian Reservation at and near Neopit, Wisconsin.

On the 28th of November I looked over and inspected carefully the mill yard. I found, according to my judgement, based on nineteen years' experience in the tie and lumber business, the most efficient work, both in manufacture and care of stock, that I have ever seen on any mill yard large or small. The management of this part of the work has certainly been first class.

Beginning on the 29th of November, in company with Mr. Tyrrell as an attorney for some eight or ten Indians who were also along, with several other parties, I began the inspection of the cutting and logging on the Reservation, following the direction of Mr. Tyrrell. I was first shown a square timber 38 feet long, 24 inches in diameter, No. 187. Mr. Tyrrell claimed a loss to the tribe on account of the slabs hewn from this timber, there being some very small slabs taken off. I could not see the loss to the tribe, as this timber had been measured and sold and the tribe had credit.

The next complaint was about some logs decked about 400 feet from the railroad. Mr. Tyrrell claimed a loss to the tribe on account of sledding and re-decking along the track. When told by E. J. Brigham, who has charge of the logging, that they would be loaded as they were sledded and would not be redecked, Mr. Tyrrell said this would not be done. When asked why he stated that he would show where redecking had been done before, but he failed to do this, and later admitted that he could not.

I was next shown five white pine logs, sap-stained, which he claimed should have been barked. I consider the damage to these very slight, as they were right on the railroad and will be taken to mill right away.

Again, Mr. Tyrrell claimed that the stumps were cut too high. At this particular point the stumps were rotten and hollow, and I consider that there was no loss, but at some other places, the stumps were cut too high, but the percent. of sound stumps cut high was very small. Mr. Tyrrell also complained about a log that had been left at the butt of a tree. This log was about 30 inches in diameter at the small end; was hollow from end to end, large enough for a man to crawl through. This was demonstrated by a man crawling through the log from end to end. This complaint, in my judgment, was absurd, as it surely would have been a loss to the tribe to have made the expense of hauling and sawing timber of this kind.

Mr. Tyrrell's complaint at Camp 15 was that logs had been cut for wood that would have made good lumber. These logs were from a tree that must have been dead at least ten years, in my judgment worthless to the tribe except for wood. In discussing these logs, Mr. Tyrrell made the assertion that any white pine lumber that would hold together was worth \$16.00 per thousand. This shows how reckless he was in making statements. He showed some logs that had been peeled. These were tops from trees cut for export. These, I think, were in good condition and not damaged. Mr. Tyrrell would say, if logs had not been peeled that they should have been peeled to preserve them; but if they were peeled he claimed they were damaged by worms.

He showed several logs all scattered on the last year's work in the swamp, that were left on account of the breaking up of cold weather. This territory is still in operation and can be cleaned up this winter. Logs in good condition.

Mr. Tyrrell next showed two trees, fourteen logs and one square timber that he claims should have been loaded, but the track was removed. These logs were near a new cutting and could be taken up. I could not figure out any loss here.

From this point we passed through a long strip of burned-over land, an old cutting. In this strip, the timber was nearly all dead. We were shown several logs cut, and quite a lot of standing timber of the cheaper grades. This was cut over about two years ago, following the fire, and the management claims they cut the white pine and left the hemlock on account of the pine being much more valuable and much more important to save before it damaged.

On November 30th we were almost exclusively on old cuttings of two years past, and over. Complaint was made about logs being cut for lumber being used in making fills for the railroad and streamers for bridges for wagon roads, and skidways left where the track was taken up and removed, and some logs left scattered over this old territory. These claims seemed to be more reasonable and it looked as though there had been some careless work done by someone, but much of this is a question as to whether the tribe suffered any loss, as the time spent in getting dirt or worthless timber might have equalled the cost of putting the timber in bridges and fills.

Mr. Tyrrell made a charge against the management for charging Tom LaBell, an Indian, \$36.00 for the use of camps belonging to the tribe, while working out a contract on a certain boundary on which he was to cut and deliver the timber at \$6.00 per thousand. I fail to see any loss to the tribe in this, but had they furnished a camp free, as Tyrrell said they should have done, it would have been a loss to the tribe.

Mr. Tyrrell showed a cut through the hill about four and one half feet deep, about six hundred feet long. He claimed they had a track around this hill and took it up when the cut was made. Mr. Nicholson says this cut was made

as the passway for the loaded and empty cars and both tracks were used at the same time and the cut was made to get on solid ground for the loaded cars, on account of the ground being soft and swampy where the track went around the hill, which seems to be a good business proposition instead of a waste. Complaint was also made at this point, about 110 ties being left that had been used in a jam dock. These were inferior ties in the beginning and had been used in the track before being put in the dock.

He also claimed a loss to the tribe by the management, on account of small trees being cut for skids on which to fall the large trees out for export. Mr. Nicholson says this timber was all measured and paid for, therefore could not be a loss to the tribe.

Mr. Tyrrell showed some timber near old Camp 12 that he said should have been cut. This was burned-over land and, in my judgement, could not be worked at a profit. He showed about 4,000 cedar logs cut about two years ago - also some poles cut by Paul Tebeau, an Indian. These logs were in a swamp and were left on account of the breaking up of the ice. They are in good condition and Mr. Brigham says they will be taken out this winter.

Mr. Tyrrell said to me that he had grown up in the lumber business in Wisconsin, yet he showed ignorance in a surprising way to me, by miscalling the kinds of timber several times. He would call hemlock white pine, and he did this on several occasions.

I have gone over this matter at considerable length, to give you as nearly as possible the character of the claims and charges made by Mr. Tyrrell, and the disposition of this man to magnify his charges. I could give other instances but think these sufficient. After carefully going over the situation I will say that I have never seen or known a job run by anyone where there was as little loss in timber as on this one, and especially is this true of the last two years' cutting. While there are some logs and timber left on the old cutting, in my judgment, the percent is much smaller than is common where I have worked.

Yours very truly,

L. P. Holland,  
Superintendent.

*L. P. Holland*

Mr. L. P. Holland's Affidavit.

January 29th, 1914.

I hereby certify that the statements made in my report dated December 4th, 1913, to Honorable Edward E. Ayer, of the Board of Indian Commissioners, regarding conditions on the Menominee Indian Reservation are true and correct to the best of my knowledge and belief.

(Signed) L. P. Holland

State of Kentucky )  
County of McCracken) ss.

Subscribed and sworn to before me, a Notary Public, this 29th day of January 1914.

(SEAL)

Frances Johnson  
Notary Public.

My commission expires Jan. 30, 1916.



3 Smith 3

Copy of the report of Mr. Philip R. Smith, Secretary & Treasurer of Ayer & Lord Tie Company, Chicago, in regard to the affairs on the Menominee Indian Reservation at Neopit, Wisconsin, dated December 30th, 1913.

December 30th, 1913.

Mr. Edward E. Ayer,  
Railway Exchange Bldg.,  
Chicago, Illinois.

Dear Sir:

You having requested me to go to the Menominee Indian Reservation with you to look over the books of the Superintendent, also look over the mill yard and some of the logging operations, I wish to report that I went over all the books, ledgers, cash books, journals and record books, not with the idea of a detailed check or audit, but with the idea as to looking into the methods of handling and seeing whether they were complete and also to see whether there might be some short cuts that would save labor.

After noticing the immense amount of detail that the Government insists on in its reports and making an examination of the books, I found there were few places where any saving whatever could be made and at the same time furnish the amount of detail required. My opinion is that the books are exceptionally well designed for the work in hand and that they are exceptionally well kept, and I have no hesitation in saying that Mr. Ashford is keeping a perfect set of books.

With regard to the yard, I went through the yard with you, Mr. Tyrrell and a number of Indians, also with Mr. Holland and Mr. Nicholson and I found that wherever the piles of lumber were on high ground, there was very little trash lying around, no more than in many lumber yards I have visited and not as much as in some. There was quite a considerable amount of trash in that part of the yard that was built on piling, the mill having originally been set in the bottom and a large part of the yard constructed over the water. Wherever this was the case, if a broken piece of board fell, or any of the old piling rotted out, or the timber holding the lumber rotted, they were liable to drop in the water and were not taken away, but they served the purpose of helping to fill this bottom, as a great share of this bottom land where the lumber was on piling has now been filled in with waste material of different kinds and should all be filled in to make an economical piling yard. Any trash or broken pieces that may have dropped into this water certainly have filled their place in helping do away with the water. If this yard had all been on high ground, no doubt this accumulation would have been taken away. I saw no waste of good material or neglect in keeping the yard in an ordinarily clean condition. The principal mistake in the whole proposition was the location of the mill at the start.

With regard to the woods, I went into the woods and spent two days there. Mr. Nicholson was with us the first day, and Mr. Tyrrell, Mr. Holland, Mr. Brigham, Mr. Crowell, Mr. Kinney and a number of Indians were there all of the two days. I found conditions in the woods to conform, in a number

of instances, with the charges made by Mr. Tyrrell; that is, as far as finding logs he had photographed and pieces of slabs he had photographed, but as to there being any gross extravagance or waste in the woods, this I did not see.

We located quite a good many logs and found large slabs cut from some of the logs and also found some logs that should have been hauled in, but the explanation on this was that these were, particularly, logs cut for square timbers left on account of the early thaw. A big proportion of them had been peeled, showing that an effort was made to protect them, a large proportion of them will be brought in for this year's cut and the loss will be exceptionally small on these logs.

The principal loss that Mr. Tyrrell dwelt on was in the cutting of these square timbers, and he claimed there was an awful waste in the slabs. The contract called for the payment of these logs in the round; therefore, he paid for such slabs as were left in the woods.

We found other logs that had been left and a number of hemlock trees that had been left in the last three or four years on burned areas, but the instructions at the time were to cut all the pine and better class of timber, as the fair season was so short that they had to cut the timber that would pay the most and the timber that was left standing, which damaged considerably by being left, was timber that would net but small returns and they did not even, in the time they had, manage to get all of the pine in, though practically all of it. There is no question but that the loss would be an exceptionally small percent considering the immense amount of timber that was brought in during the three or four years.

As to the price that they received for the square timber, I understand this was \$70.00 per M in the tree, standing. They are only getting about \$80.00 to \$85.00 per M for select cuts of the same class of timber after it has been logged, hauled to the mill, manufactured and piled, and therefore I consider the price of \$70.00 per M in the tree, standing, was an exceptionally good one and far better than manufacturing this timber, paying the cost of hauling, cutting, stacking and then receiving but \$75.00 per M for the best of it, and much less for the lower grades.

Mr. Tyrrell's attitude, as I saw it on this trip, was one of continual fault finding. He seemed to see nothing that was done right and at each log that we would come to in the woods, he would make a speech which seemed to be made for the benefit of training the Indians and making them discontented.

The only time I heard him say a complimentary word was to Mr. Brigham when we went to the New Camp 18 and made the last stop of the evening coming in and went out on the burned district where Mr. Brigham had cut down and cut up practically every log and every tree on the district, and we found many logs that had been found defective, then Mr. Tyrrell stated that Mr. Brigham certainly was doing his work properly there, but he was afraid somebody might criticize him for spending money in cutting up a

lot of this timber that had a number of defects not visible until cut and they might accuse him of waste in cutting timber that should have been left alone, and yet this was the same class of burned timber that we had been going over and the criticism was all the other way because it had not been cut.

Yours very truly,

(Signed) Phil. R. Smith,  
Secretary & Treasurer.

Affidavit of Mr. Philip R. Smith

Chicago. January 13, 1914.

I hereby certify that the statements made in my report dated December 30th, 1913, to Honorable Edward M. Ayer, of the Board of Indian Commissioners, regarding conditions on the Menominee Indian Reservation are true and correct to the best of my knowledge and belief.

(Signed) Philip R. Smith.

State of Illinois)  
County of Cook ) ss.

Subscribed and sworn to before me, a Notary Public, this 13th day of January, 1914.

(Signed) Arthur W. Armstrong  
Notary Public.

(SEAL)

4 Kemnitz

Affidavit of Mr. L. W. Kemnitz.

Report of Mr. Edward E. Ayer's interview with Mr. LOUIS KEMNITZ, of Greenbay, Wisconsin, a lumberman cutting timber on the Wolf River, near Neopit, - December 1, 1913.

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Mr. Kemnitz was a visitor at the Menominee Indian Mill on December 1st, where he was introduced to Mr. Ayer by the Superintendent, Mr. Nicholson. Selected from the ensuing conversation, of a general nature, are the following questions and answers.

Mr. Ayer: Q. How many lumber yards have you been in, Mr. Kemnitz.

Mr. Kemnitz. A. About 40.

Mr. Ayer: Q. How do you think this yard here compares with most of those you have been in, in regard to cleanliness?

Mr. Kemnitz. A. Mr. Ayer, as I said, I have been in about 40 different yards and I think this is far superior in that respect to most of them.

(Signed) L. W. Kemnitz, Green Bay, Wis.

Witness:

Clara K. Jansen  
Mose A. Jansen.

Personally appeared before me a Notary Public in and for Langlade County, State of Wisconsin, L. W. Kemnitz, of Green Bay, Wisconsin, who made oath that the foregoing testimony is true to the best of his knowledge and belief.

Dated at Phlox, Wis. this 20 day of Jan. 1914.

(Signed) Mose A. Jansen  
Notary Public, Langlade Co.,  
Wisconsin.  
My commission expires Dec. 13, 1915.  
P. O. Phlox, Wis.



5 Nelson 5

*Ints*

Report of Mr. Edward M. Ayer's interview with Mr. BERNARD C. NELSON, yard foreman, at Menominee Indian Reservation, Neopit, Wisconsin, December 1, 1913.

- Mr. Ayer: Q. How long have you been foreman here?  
Mr. Nelson. A. Ever since it started.  
Q. You have had to fill it, have you?  
A. Yes.
- Q. Hasn't it been injurious, filling it over water?  
A. Yes; it had to be.  
Q. Couldn't it have been arranged otherwise?  
A. No; I couldn't get to solid ground.  
Q. When you get it filled in it will be better, of course.  
A. Yes, but it hasn't settled yet.
- Q. Do you think there has been any good lumber, except by accident, ever covered up in that yard?  
A. No sir.
- Q. Is there any lumber that could have been sold for any price in that dump?  
A. No sir.
- Q. Those piles with ends sticking out, aren't they of any value.  
A. No sir; it might look like lumber but it never was merchantable lumber.
- Q. How often do you go through the yard and practically clean it up?  
A. I have men every day, but of course some times I don't have a chance.
- Q. Has the scarcity of labor anything to do with the yard getting in bad shape.  
A. Yes sir, I had to work some of the white men 16 out of 24 hours;- the Indians would not work that way. I then told the Indians to go through the trams and pick up the small pieces. I would have had them pick up all the No. 3 etc. and put them in the grades where they belong; but I could not get any men.
- Q. All this lumber across the river and on the higher bank is in good shape is it?  
A. Yes sir.
- Q. How much cleaner was the yard when I came here the other day than it usually is this season of the year?  
A. It wasn't any cleaner. There are always pieces dropping off now and then; but the mill is shut down now and I have had a good opportunity to pick up. When the mill is running night and day I don't have so good an opportunity.

Mrs. Ayer: Q. What percentage of the pine in this neighborhood will run C and better?  
Mr. Nelson. A. I would say around 50%.  
Q. What percent would run B and better?  
A. About 15%.  
Q. How many thousand feet of miscuts have you made this year?  
A. About 160,000,- 1/2 of 1%.  
Q. How high have you ever known miscuts to run?  
A. From about 1 to 1 1/2% we figured on where I worked before.  
Q. Some of them have said that the machinery was out of order and that the two last plank would become destroyed and have to go into the lathe plant.  
A. No; the sawyer, Mr. Turney, who was on the night shift, told me his carriage was not working right and that the last pieces came over the slasher, but I didn't see anything of that kind done.  
Mr. Nelson: In 1910 we piled No. 3 hemlock where that lumber was buried, and it settled down 8 feet. Now the evaporation from that hogfoot kept it continually moist; it wouldn't dry out, so I repiled it. When I got down to the water's edge after picking out the best of it the bottom boards were so rotten that they were worthless. So I said, "Leave it there and we will cover it up," instead of having it taken away for lathe.

Report of Mr. Edward B. Ayer's interview with Mr. PETER L. ADAMS,  
Foreman of the Mill, at Menominee Indian Reservation, Neopit,  
Wisconsin, December 1, 1913.

Mr. Ayer:  
Mr. Adams.

Q. You are the foreman of the mill aren't you?  
A. Yes sir.

Q. Of course no mill will do good work unless it  
is kept in order, will it?  
A. No sir.

Q. Has it been in good order the last year, - with  
the exception, of course, of things that would  
ordinarily occur?  
A. Yes sir.

Q. How about the resaw?  
A. We have what is acknowledged to be a good one,  
although it is not the kind I wanted.

Q? But it has done good work, as a rule?  
A. Yes sir.

Q. Now, there have been some complaints that on the  
last two plank the resaw would not take 6-inch stuff,  
but would only saw 4-inch stuff. Is that true?  
A. Well, our resaw is an upright resaw. We have  
to take the slabs off until the first faces are clear.  
Now in sawing with the big bends on the carriages  
those faces must be finished, and sometimes they  
go through the bark which is left on and when thrown  
over to the resaw sometimes the bark drops off and  
that makes a little variation in the resaw. I have  
cautioned my sawyers about it.

Q. What is the usual percentage of badly sawed  
lumber in a place of this kind?  
A. Well, I formerly worked for J. W. Wells. Mr.  
Wells is a man who has had eleven different mills.  
He is located at Menominee. He would never raise  
much of a fuss until my miscuts amounted to 2%.  
In figuring up I find that here it is 1/2 of 1%.

Q. Have you had any trouble with any of your  
sawyers in the last six months?  
A. Yes, I have; particularly with one.

Q. Will you give me his name, and the nature of the  
trouble?  
A. His name is Grant (J.T.) Turney. The nature of  
the trouble is that he is a general disturber. This  
last season we have been short of men pretty much all  
the time, and never started a shift, night or day,  
where I had any assurance of having a full mill crew.  
Mr. Turney, seeing that I was in trouble, would make  
more trouble. He is a man who talks a great deal and  
has knocked me to others, declaring that I was  
incompetent. He stamped the setter off the carriage

one morning about 4 o'clock and was going to get another man, but the night foreman objected. The night foreman made him complete the shift. In the morning, on my way to work, I met the setter and he told me the nature of the trouble. This setter was a man that Turney took on as a carriage rider and developed him into a setter. This man said peremptorily that he would not wait for Turney any longer. This put me short of a setter and I couldn't get another, and I put Turney's son on as setter. I think he wanted to get his son a job. However, Turney's son did as well as could be expected.

Mr. Adams:

Another instance was where he had a rider who complained about his tools, his cant hook etc. and he said, "If your cant hook don't suit you throw it in the conveyor." If it had been thrown into the conveyor it would simply have gone into the burner and disposed of it.

Another offence of his. He got sour at the blacksmith, who has to look over the carriages twice a day. The mill stops at 6:45 in the morning and he has three-quarters of an hour to look them over: also an hour at noon. The carriage crew are supposed to let him know what is wrong. Turney got sour at the blacksmith, - nothing he did was right. The dogs in our carriages are the ordinary ones that came with the mill, the Prescott dogs. These are alright in big timber, although in small timber they are, we find, inefficient. Very often they would have to make a second and third attempt to hold the log. This Turney blamed to the blacksmith. Along about the 4th of July the blacksmith got sick and I had to look after things myself. I took a dog out and without any change put it into a block on the other side of the mill and run it for three weeks. The man on the other side did not complain.

Mr. Ayer:

Q. How long did Mr. Turney work for the company as sawyer?

Mr. Adams.

A. This was his third season.

Q. Did he ever complain about the resaws before these last six months?

A. Occasionally.

Q. Do you pay any attention to the percentages of lumber that comes out of the log. - are you in charge of that?

A. No; I have to look after the cutting in the mill, but not the sorting.

Q. Was there any complaint that the finish of the log could not be sawed properly and was destroyed?

A. No; if there was it was when I wasn't noticing things. You understand that with my multitudinous duties I can't be on the saw floor all the time.

Mr. Ayer: Q. But it wasn't habitually that this happened,  
was it?

Mr. Adams. A. Oh no.

Q. This man is discharged is he not?(Referring to  
Turney, the sawyer).

A. Yes, I discharged him. He is now working at  
one of the camps. Now, in further testimony, Mr.  
Nicholson made an investigation and his notes are  
in evidence. I also have the signed statement of  
the men who work in the same capacity as Mr. Turney  
in the mill, and who were there at the time; of the  
millwright and his helper; of the night foreman and  
of the three other sawyers.

Q. Will you have copies of these statements  
furnished me; will you have Mr. Nicholson send them  
to me?

A. Yes sir.



Menominee Indian  
Mills, Neopit, Wis.

C O P Y

(Copied from original on  
Dec. 1, 1913, for Mr.  
Edward E. Ayer).

P. L. Adams, Mill Superintendent.

We whose names appear below use this means  
to contradict the statements made by Grant  
Turney to A. S. Nicholson and others.

- A- That the machinery of the saw mill was  
allowed to run down to such an extent that  
good lumber could not be made with it.
- B- That the men whose duties were to keep  
up the mill refused to respond to their  
calls, made by the signal whistle.
- C- That Turney was discriminated against  
in the efficiency of the men assigned  
him for his work.
- D- That the management of the mill suffered  
by comparison with that of other mills in  
this State during the season of 1913.

Signed by: D. C. Moyer, Sawyer  
E. J. Laporte, Sawyer  
Theo. Laporte, Sawyer.

Geo. Vasold, Millwright.

Axel Fossen, Oiler.

Otto Glassow, Night Foreman.

Juls

Report of Mr. Edward E. Ayer's interview with Mr. THOMAS PRICKETT, one of the Committee appointed by the tribe, at Menominee Indian Reservation, Neopit, Wisconsin, December 1, 1913.

- Mr. Ayer: Q. How long have you been connected with this plant?
- Prickett. A. Ever since it was built.
- Q. Are you now working?
- A. No; not for the last two years.
- Q. Are you an Indian?
- A. Yes; not a full blood, but I am a member of the Menominee tribe.
- Q. Now, in a few words, tell me what is the matter. What do you suggest as the remedy?
- A. The log superintendent here was not competent to run our plant, that is Mr. Woodcock, who left here some time this Spring or summer.
- Q. Was he discharged?
- A. No; he resigned last Spring.
- Q. Who is in his place now?
- A. Brigham.
- Q. Have you had any experience with him?
- A. From all accounts, since he has been here he has attended to his business and I know he is trying to save money for the tribe. He is a gentleman. Now if Mr. Woodcock got money for us we would all help him.
- Q. Are you familiar with other loggings, in other sections of the country. Have you logged for private concerns?
- A. I worked at Merrill, Wisconsin.
- Q. Is the lumbering done here on this reservation the last two years satisfactory?
- A. No sir, it is not.
- Q. In what respect was the logging under Mr. Woodcock bad?
- A. When a man is superintendent of three or four camps he has no business in this office all the week. They hired men with no experience of sawing logs that would make good lumber. (Here Mr. Prickett detailed an instance supposed to bear out this statement).

At this point Mr. Ayer explained to Mr. Prickett how the plant had added to the funds at Washington, during the past two years, \$444,000; that there had undoubtedly been mistakes made in the woods and about the mill and that our present duty here was to find out how important they were. Also that Mr. Ayer's expert had reported that the accounts were in good shape.

Mr. Ayer: Q. What is this attorney employed by you Indians for?

Mr. Prickett. A. Well now we Indians can come up here to Mr. Nicholson but cannot get information; but Mr. Tirrell can come up here to Mr. Nicholson and he knows what we Indians want and can find out from Mr. Nicholson.

Q. Don't you think the yard here today is in good, satisfactory, condition?

A. Yes; everything is clean.

Q. Are the lumbering camps kept clean.

A. I think they are.

Q. You would be perfectly satisfied with Mr. Nicholson if they are making good money here?

A. Yes sir; perfectly satisfied.

7A Prickett to Tyrrell 7A

Copy of Mr. Thomas Prickett's letter to Mr. D. F. Tyrrell, dated Neopit, Wisconsin, Dec. 11, 1913 and sent to Mr. Tyrrell at Washington, D. C.

Mr. D. F. Tyrrell.  
Washington, D. C.

My dear Tyrrell:

Inclosed herewith find typewritten copy with my own attached as per your request of December 9th, last.

If I understand it correctly, you want me to answer the questions as I gave them at the time I had an interview with Mr. Ayer. You will note on the typewritten copy of pencil marks which means are errors of the stenographer or Ayer.

Q. Was he discharged?

A. I did not know, he resigned to take another place. Understand he got bigger wages.

Q. Who is in his place now?

A. There is a man here now. I heard he was going good work and trying to pick up all the logs that was left.

Q. Have you had any experience with him?

A. (Down to further line about Woodcock). Now if Mr. Woodcock made money for us we would like it, but he did not.

Q. What is this attorney employed by you Indians for?

A. I told him we could come to Nicholson and he'd turn us down, and we want him as our attorney during the investigation, the one that is coming.

Q. Don't you think the yard here today is in good satisfactory condition?

A. (He also asked me if the yard was cleaned every two weeks and I answered No? for it never was cleaned for 2 years, and could get 50 white employes to testify to this).

Q. Are the lumbering camps kept clean?

A. I don't know.

Q. Are you familiar with other loggings, in other sections of the country. Have you logged for private concerns?

A. Worked for Mr. McCord of Merrill, Wis. for 18 years. I estimated timber for him and bought on my estimation and I put it in, that is, the timber.

There seems to be a question left out entirely as I remember of putting it up to Mr. Ayer explaining to him that there were too many men working both here at the Mill and the camps. This is what Ayer leaves out of the report. Now Mr. Tyrrell these answers in response to the questions asked me are about as near as I can remember of answering, they do not differ

Mr. Prickett's letter to Mr. Tyrrell - page 2.

very much, as shown on the report, only that there is a lot left out.

I am also sending you under separate cover the films you asked for, which goes forward in today's mail.

Very truly yours,

(Signed) Tom Prickett.



## 73- Prickett

Report of Mr. Edward E. Ayer's second interview with Mr. Thomas Prickett, at Menominee Indian Reservation, Neopit, Wisconsin, December 17, 1913.

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- Mr. Ayer: Q. There has been a question come up about the money raised by the Tribe here and given to attorneys. How much money has been raised for that purpose and given to attorneys?
- Mr. Prickett. A. I have the book at the house: I couldn't say.
- Q. Will you furnish me a list of these names this afternoon?
- A. Yes sir, certainly.
- Q. That money was sent to Mr. Ballinger in Washington or given to Mr. Tyrrell?
- A. No sir.
- Q. Sent to Mr. Ballinger?
- A. Yes sir. Two hundred fifty dollars.
- Q. You raised \$250.00 for Mr. Tyrrell?
- A. No, for Mr. Ballinger. We raised it for the investigation that is to come.
- Q. Did you expect, then, when the investigation was here, to have a lawyer come here?
- A. Yes, to conduct our affairs.
- Q. Had you been promised an investigation?
- A. I think the Indian Office appointed some joint committee to investigate all the Reservations in the United States.
- Q. Who promised you?
- A. The Department.
- Q. You were in the party that went in the woods?
- A. Yes sir.
- Q. Had you been logging in the woods?
- A. No sir.
- Q. For what purpose did you go?
- A. Well, there has been parties here that saw timber that Mr. Kemnitz left lying here out and I was ordered by the committee to see where the logs were.
- Mr. Ayer: Q. Then there is a committee appointed by the Tribe to look after these affairs?
- Mr. Prickett. A. Yes sir.
- Q. Who are the members of the committee?
- A. Mitchell Oshkenaniew, Louis LaFrombois and myself.
- Q. Just three of you?
- A. Yes.
- Q. Is Oshkenaniew still in good standing in that committee?
- A. I think so.

Second Interview with Mr. Thomas Prickett - page 2.

Mr. Ayer: Q. In regard to cleaning up the mill. They commenced cleaning up when the mill was shut down?

Mr. Prickett. A. I think so.

Q. After they shut half they commenced to clean up?

A. Yes sir.

Q. When all the mill was shut down they put on a greater force?

A. Yes sir.

Q. Now, you say that all of this money that was raised here was sent to Mr. Ballinger?

A. No sir, Mr. Tyrrell, we had to pay his expenses.

Q. When he came up?

A. Yes sir.

Q. How much did you pay him?

A. We paid him \$125.00.

Q. The balance of the \$250.00?

A. The balance was sent to Mr. Ballinger.

Q. Do you know that LaFrombois mortgaged his place and sent \$250.00 to Mr. Ballinger?

A. No, I do not think so.

Q. You never heard that he sent any?

A. I think he did.

Q. You have heard of it?

A. Yes.

Q. How much was that?

A. That was \$250.00 that we raised for Mr. Ballinger.

Q. Then you raised \$125.00 later for Mr. Tyrrell?

A. Yes, for his expenses.

Q. That money was raised by LaFrombois, the \$250.00?

A. Yes.

Q. You do not know whether he mortgaged his place or not?

A. No, he had no real estate to mortgage. He had friends and raised the money.

Q. So that makes \$375.00 the Tribe has raised altogether?

A. Yes.

Q. When was the money sent to Mr. Ballinger?

A. Just before you came up the other time.

Q. It has been supposed, Mr. Prickett that a law firm of Tyrrell & Ballinger are attorneys before the Court of Claims for Mr. Cook in pressing his claim against the Menominee Indians before the Court of Claims. Is that true?

A. I do not think it.

- Mr. Ayer: Q. What reason have you for not thinking that Mr. Tyrrell and Mr. Ballinger represent Mr. Cook in his claim for \$32,000 and \$100,000 damages before the Court of Claims in Washington?
- Mr. Prickett. A. This, Tyrrell would not accept his claim because it was turned down here before they took up them other cases. That is how I came to know it.
- Q. Has Tyrrell told you or any Indians in your presence that he had nothing to do with it?
- A. Yes sir, he said so.
- Q. He told the Indians so in your presence?
- A. Yes sir.
- Q. Do you think he is attorney of some of the Indian claims on the same job?
- A. Yes sir.
- Q. You feel very sure that Mr. Tyrrell and Mr. Ballinger have nothing to do with the Cook claim before the Court in Washington?
- A. Yes sir. I am sure.

*File*

Report of Mr. Edward E. Ayer's interview with Mr. LEWIS LAFRAMBOIS, at Menominee Indian Reservation, Neopit, Wisconsin, December 1, 1913.

Mr. Ayer: Q. I have come up here and I find a great deal of dissatisfaction. Now what's the matter with you?  
LaFrambois. A. Mr. Ayer, I came here a few months before Mr. Nicholson. At one time there was an Engineer here, who was discharged. This Indian who was discharged wanted me to write Senator LaFollette, and in my letter I told the Senator that some of the people here were well capable of being camp foremen. I told him I was also a good fireman, that I could go into any plant as a good scientific fireman.

Here Mr. LaFrambois presented a copy of Mr. Nicholson's report against him.

Mr. Ayer: Q. I want to find out what you know about this place. You have worked around here for three years?  
LaFrambois. A. Yes.  
Q. Have you worked in other mills?  
A. Yes, sir.

Q. Are you familiar with the conditions in other mills, with the dirt around the mills etc? How does this compare in cleanliness around the town, in the camps, in the planing mill, around the yard, in the warehouse etc. with other mills?  
A. I have been here since the lumber began to be piled and it was never clean until this Fall.

Q. Do you consider the breakage around here excessive?  
A. Yes; I do.

Q. Now, around the mills and the supply department, isn't it as clean as you usually find?  
A. Yes sir; they are in good shape.

Q. Do you know how many Indians have been employed here during the past year?  
A. No.

Q. 271 have been employed permanently by the mill every day of the year, on the average. Don't you think this was a good portion of the 480 able bodied men in the tribe?  
A. They could have got more. We have had men here who were as good carriage riders as white men, but they could not see any prospect of advancement and so they quit.

Q. What were they getting?  
A. \$2.25 a day.

Q. Do you think it was wise for them to throw up a job when they were getting this salary? \$60 a month?  
A. Well, Mr. Ayer, carriage riding is very hard work and when they saw they could not be advanced they simply quit and went at other work.

Mr. Ayer:  
LaFrambois.

Q. Have you any other grievance yourself, personally?

A. No. My grievance is that I am a good fireman and have had a lot of experience.

Q. Well, did you ever quit a job because they would not make you Engineer?

A. No, I did not.

Q. And still you think these men who quit had a grievance? Don't you know that this is a business proposition here, that they have to make this mill pay?

A. Mr. Ayer, when I came here my ambition was to become an Engineer, but I feel that I never could. I wanted to be, in my old age, an Engineer and take care of everything. I know I could learn these things, but I never get a chance. My future is going to look just as black as the blackest depths of Hell just as long as I stay here and there is no change. My wife likes this place here, but if this man stays here I am going to break up my happy home and go away.

Q. How many children have you?

A. I have seven children.

Here Mr. Ayer advised LaFrambois not to carry out his intention, to alter his point of view, telling him never to quit a job until he had another, and never to refuse a job.

LaFrambois:

I have been a woodsman for twenty years and yet a man comes here for twenty minutes and tells me I don't know anything about it.

And I want you to put this down to, - that I have been a citizen of the United States and voting for 21 years!



*8 A LaFrombois to Tyrrell*

Copy of letter from Mr. LOUIS D. LAFROMBOIS to Mr. D. F. Tyrrell,  
attorney, dated Neopit, Wisconsin December, 1913,

Mr. D. F. Tyrrell.

Neopit, Wisc. Dec. 1913.

Sir:

I find in the interview with Mr. Ayer on Dec. 1, 1913, are not as I worded the facts to him. I suppose it is due to the fact he had so much to do in such a short space of time, he also failed to take anything that might be damaging to Mr. Nicholson. I do not understand how this can be, as Mr. Ayer assured me he was my friend. I am not saying he is not my friend, but he is not a lover of fair play. I did not tell Mr. Ayer that I wrote to Mr. LaFollette and told him I was a scientific fireman. I told Mr. Ayer himself that I had done scientific firing, that is the way us firemen term it when we test coal.

He failed to state that I showed him recommendations from very reliable people to show that I had been a lumberman for over twenty years, also a letter to show I was chief fireman for the Menominee River Sugar Company at one time. Now the Menominee Sugar Beet factory is one of the largest of its kind in the world. He also failed to say anything in regards to Mr. Nicholson's report against me. It showed Mr. Ayer very plain that Mr. Nicholson's report was a pure fabrication manufactured to suit his own purpose. I also told Mr. Ayer I did not quit the sugar factory because they did not make me chief engineer for the simple reason the Menominee River sugar factory is not owned by the Menominee Indians, they were not obliged to make me an engineer; but this plant here at Neopit was built here to educate us, but the opportunities to learn are denied us. I did not tell Mr. Ayer I was going to break up my home, but I told him this, if Mr. Nicholson stays here, a lot of us Indians will have to leave the reservation. My wife likes it very well here and that he, Mr. Nicholson, might be the cause of breaking up one happy home.

I said, Mr. Ayer, do you know that Dr. Dixon made a statement at Green Bay, Wisconsin, to the effect that he found the Indians actually starving on some of the reservations? Mr. Ayer said he did not read the statement. Well, I said, such conditions exist right on this reservation, that a lot of Indians might die of starvation if Mr. Nicholson stayed any longer.

Now we will come to the engineering question. Mr. Ayer told me a man had to be a Machinist before he could become an engineer. I told him I was no Mechanic but this plant being built here for the Indians I thought they ought to overlook a few things and give me a chance as we had a very good Mechanic here in the shop who could help me. I then told him of my family, how I loved my little ones just as he did his, that if I got a position that paid fair wages I could take better care of my little ones, that I was getting along in years and felt that I was entitled to it.

Question - Mr. Ayer, I have showed you that I am a lumberman, have been one for over twenty years.

Letter from Mr. Louis LaFrombois to Mr. D. F. Tyrrell - page 2.

Answer - You have showed me you are a first lumberman also a first class fireman.

I've showed you I have been a lumberman for twenty years. Now there is men who will come here who are not able to show and can not show today where they had been lumbermen for twenty minutes before coming here, yet these men will tell me I do not know what I am talking about.

Now when those logging cars were first brought here, I helped to put them together. It did not require skilled labor. There was two of us engaged in the work. The only difference between us was this, I was a better man than he was, meaning the man I was working with. He got two dollars per day while I got \$1.50 per day doing the same work.

Mr. Ayer did not like this kind of treatment and he asked if this was done under the present administration. I told him it was under Mr. Nicholson's administration. This was omitted. Now about the lumber yard. I told him I was sure the yard never was cleaned till this fall and told him I could swear to that; I told I could get other men here who would also swear to the same thing. Mr. Ayer said I will take your word for it.

This is what took place to the best of my knowledge.

I will say further that the men who are employed here as engineers are not Machinists by any means. I know myself that this man Bently who is running the big engine here in the mill, was carrying wrenches for a steam fitter when this mill was built. Now if I was an engineer I do not think I would be around helping a steam fitter for a couple dollars per day when I could be running an engine some where for twice as much money than what he was getting, but you see if an Indian asks for such jobs he has to be a very competent man or he don't get the job.

Now concerning the woods work here is where we are the heavy losers. I am one man that would not be a camp foreman under the present administration, because those people does not know how to log. their method of logging is very expensive. I believe I could go up here to Camp No. 18 and save this tribe of Indians anywhere from one to five thousand dollars, just in this winter's work. I am not talking for a job as logging superintendent, but I say if I was logging superintendent I could do that and do it easy.

Now there is a man here who was riding carriage here in the mill. He is a frenchman. Now the sawyer is a Frenchman also. This carriage rider buys this sawyer a five dollar hat to let him set for him. What is the result? He gets the job not because he is capable, but because he buys this five dollar hat. This is just to show how much chance an Indian has here. I told Mr. Ayer I was a voter and had been for 22 years and not 21 years as he has it. This was to show we are not all ignorant savages as we are sometimes painted.

Louis D. LaFrombois.

8 B LaFrombois

Copy of letter from Mr. Louis LaFrombois to Mr. Edward E. Ayer,  
dated Neopit, Wisconsin, December 17th, 1913.

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Neopit, Dec. 17, 1913.

Edward E. Ayer,  
Chicago, Ill.

Dear Sir:

Just received your letter of recent date, stating you was in receipt of a letter telling you I had mortgaged some property in Marinette to raise \$200.00 to send to Mr. Ballinger at Washington, D. C. It seems you want to protect my interests, does it not? Mr. Ayer? I told you once before I had a lot of respect for old age, and I tell you again. Now, Mr. Ayer, don't you think it would have been better if you had looked up records and find out those things before you said anything about it. Mr. Ayer, you made a statement at Keshena that I had mortgaged property to raise money to send to Mr. Ballinger. Now you did me a great injustice for saying things you absolutely knew nothing about.

I gave you my hand when you told me you was my friend, but you have proven it to my entire satisfaction you are not my friend. Now, if you are my friend please let me know who wrote you such a letter. If you want to be my friend and want to protect my interests, have this man Nicholson removed at once. Then we will think you are the grandest old man that ever lived.

Respectfully yours,

Louis D. LaFrombois,  
Neopit, Wis.

Report of Mr. Edward E. Ayer's interview with MR. T. J. TURNER, sawyer, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913.

Mr. Turney was presented to Mr. Ayer by Mr. D. F. Tirrell, attorney, and was interviewed in the presence of Mr. Tirrell.

Mr. Ayer: Q. Are you working at the mill now?

Mr. Turney. A. No; I am in the woods now. I used to be the head sawyer until the 4th of October.

Mr. Ayer: Q. Mr. Turney, I wish you would outline, in a general way, what you think is the trouble around here.

Mr. Turney. A. The principal trouble has been with the mill, that there has been nobody looking after it. We would try our best to get anything that went wrong in the mill fixed, but without success. Now, one time our lubricator went wrong and I called the millwright's attention to it, but at 10:45 they went out to dinner without replying. I found Mr. Adams then and told him my trouble, but still nothing was done between that time and noon, and so I cut only 500 and I should have cut somewhere from eight to nine thousand.

A. Another thing that has been wrong is the resaw. A resaw is supposed to cut rough stock. Now, the way this one is fixed it splits in the centre. You have to take off the slab and the 2-inch board and the 2-inch plank. They have been experimenting with this resaw ever since I have been here, and I guess they always will be.

Mr. Ayer: Q. Now, in regard to this resaw, and this breaking down, how long have you sawed in this mill?

Mr. Turney. A. Four years the later part of this winter.

Q. Has this occurred before, that is, the break downs not attended to promptly?

A. Yes. And the entire force, <sup>millwrights</sup> after 10:45, do not pretend to do anything: they get ready to go to dinner. The proper way is to go at 11:00 and leave the mill running alone until they get back again.

Q. What time do they return?

A. Well, they generally go down to the blacksmith shop and sit around until the 12 o'clock whistle blows, and then they go into the mill.

Q. Then between 11 and 12 there are not any millwrights in the mill?

A. No.

Mr. Turney.

Last Fall when they shut down the lumber was being spoiled. Mr. Adams sent to Prescott's for a man to fix the set works. So we got a man down here to repair them. When he came he found that Mr. Adams had removed what he considered the king pin of the set works, what he calls the cushion. Mr. Adams told me to go with this man and watch him to see that the set works were fixed. A fellow stayed here about four days and all he had to do was to put back on what they had taken off.

Mr. Ayer:

Q. Did they then work alright?

Mr. Turney.

A. Yes.

Q. How long had they been running badly?

A. A full season, - a year.

Mr. Turney.

Just before we shut down for the 4th of July Mr. Adams notified me that the sawyers would not do any repairing. So consequently we kept away from the mill for ten days, and when we came back we found the carriage in the most ridiculous shape and consequently we couldn't move a truck on the carriage. Well, after we got the carriage adjusted we found the head blocks were  $1\frac{1}{2}$  inches away from the saws. The dogs here have never been taken care of. One would get bent and they would come out and bend it back cold, which would make it like a letter S. Mr. Adams let this go eight days one time before this was fixed at all.

It would be safe to say that 60% of the last two plank went on the slabs to the slasher, and whether they were out for lathe or went to the burner I don't know.

Mr. Turney.

To go back to the resaw. This can do nothing but split in the center. Now if we had a bill for 3x6s, 3x8s or 3x12s, this resaw is supposed to cut up anything from 14-inches down, but you cannot cut 3-inch.

Mr. Ayer.

That is the fault of the type of resaw that they have.

Mr. Turney.

No. It is the fault of the remodeling that Mr. Adams did.



Report of Mr. Edward B. Ayer's interview with Mr. THEO. LAPORTE and Mr. ED. LAPORTE, sawyers, Menominee Indian Reservation, Neopit, Wisconsin, December 1, 1913. Mr. Theo. LaPorte speaking, and expressing the views of both.

Mr. Ayer:

Q. Are you connected with the mill?

Theo. LaPorte.

A. Yes sir, I am one of the sawyers.

Q. What has been the general condition of the mill for the past year, as far as its adaptability to saw good lumber and everything of that kind?

A. Well sir, in general I think the conditions of the mill have been up to the standard, and as to the mill manufacturing lumber as other mills I think it has been as good as any of them.

Q. Which side have you sawed on? Who was your other sawyer?

A. D. C. Moyer.

Q. Does he feel about the same as you do?

A. Yes sir.

Q. Do you think if any bad lumber comes through that the machinery of the mill has been to blame?

A. That's just about the way it has been. The machinery has been out of order, but just for a short time.

Q. And when you reported anything wrong with the carriage or dogs or anything it has been attended to in a reasonable time?

A. Yes sir.

Q. Do you pay any attention to the grade of lumber that comes out of certain logs.

A. Yes sir we do; that is our business.

Q. Now, in sawing a log of say 500 feet, what would it make?

A. Well, it isn't our business so much to figure out what the log will make, but to go after the grades.

Q. Well, what percentage of say B and A boards do you get out of a white pine log?

A. Probably one-third, - of the higher grades.

Q. Are there any logs here that will run more than one-third of the two best grades, - B and up.

A. Well, sometimes we can cut as low down as D-select and better.

Q. But, taking 150 of the best logs that come out, the average would be how much?

A. I think we ought to get, on an average, right straight through, 25% of D and better.

Q. Would there be very much culls?

A. Why no; very few.

Mr. Ayer: Q. Did you have any difficulty, the last six months before you shut down?

Theo.LaPorte. A. No sir.

Q. The machinery was satisfactory, and everything attended to at the proper time?

A. Yes sir.

Q. And you have run opposite Mr. Turney for his last six months in the mill and you find his machinery was alright and everything, and that there was nothing the matter on account of the mill being inadequate?

A. Oh no sir. (meaning the mill was not inadequate).

11 Kinney's report 11

Supplementary Report of Mr. J. P. Kinney, Supervisor of Forests,  
in the employ of U. S. Government, dated December 10th, 1913.

December 10, 1913.

My dear Mr. Ayer:

In my report of December 5th, 1913, to you, regarding the lumbering operation conducted by the Indian Service at Neopit on the Menominee Indian Reservation in Wisconsin, I gave you in detail the most faithful word picture that I could of the conditions as I actually found them during an investigation extending over the four days November 29th to December 2d, 1913, inclusive. I thought it advisable to put into permanent form a statement of the facts as presented to us by the Indians and purposely avoided an expression of my personal opinions upon the situation, except so far as was necessary in order to give you a clear view of the "setting" of particular occurrences in the woods and of the general impression which, as it seemed to me, those occurrences would make upon any one. That is, I aimed to confine myself as much as possible to the function of a witness and to present facts from which you could draw conclusions. In compliance with your subsequent request, I shall now express briefly my own conclusions as to what I found at Neopit. I shall discuss the woods end of the operation chiefly, for I have as yet had but limited opportunity to investigate conditions at the mill and I know that you were able to make a personal examination of conditions in the mill and lumber yard.

Prior to the Autumn of 1910 all logging under the Act of March 28, 1908 (35 Stat.L.51) had been conducted in the area west of Neopit along the branch line of the Wisconsin Northern Railroad and in a small area near the main line of this railroad at the southern border of the reservation.

The year 1910 was one of exceptional drought and severe forest fires. In the late summer of autumn of that year a fire burned about 50,000,000 feet of timber in parts of Section 24 and 36 of Township 30 North, Range 14 East and Sections 19, 20, 29, 30 and 31 of Township 30 North, Range 14 East. The larger part of this timber was white pine. It was of course recognized that the worms would seriously injure this timber if it were not logged within two years. Very late in the fall of 1910 work was begun on a logging railroad which connected with the Wisconsin Northern near the center of Section 33, T 30 N, R 14 E and extended in an easterly direction to the burned area.

Logging operations during the following two years were confined almost exclusively to the timber which had been burned. In the fall of 1910 three camps, 11 12A and 14 were built in the burned district. These camps directed their efforts chiefly toward the saving of the white pine which had been burned. Over 15,000,000 feet of Pine were cut and decked. As soon as the railroad could be completed in the Spring of 1911 the hauling of these logs to the mill began. Fortunately no fire occurred in the summer of 1911 and the burned Pine was brought to the mill and manufactured at a satisfactory profit.

The only realley serious waste of timber in the woods to which our attention was directed consisted of the white

and Norway Pine logs which were not taken out from a part of the area logged in 1910-11. As I have said in my report of December 5th, the leaving of white pine logs of the quality which we found seems entirely inexcusable, but when consideration is given to the very unusual conditions which existed there at the time, it is easy to understand how the Supt. of Logging then in charge might have become somewhat indifferent to the aim of clean logging, his effort being to make every stroke of work count in the accomplishment of the big things in hand.

I do not wish to be understood as condoning or palliating the failure of the management to pick up valuable pine logs lying near the railroads and sleigh roads, but I am presenting the above facts as a reasonable explanation of why results were as we found them. It must be admitted that Mr. C. H. Woodcock, the Superintendent of Logging, worked with tremendous energy and that whatever his faults and mistakes may have been, he succeeded in bringing the logs from the Evergreen district to the Menominee Mills at Neopit at an exceptionally low figure. The cost of logs in the pond at Neopit cut during the year 1910 to 1912 inclusive, in the Evergreen District, was from \$1.00 to \$2.00 less than the cost of logs under similar conditions at other mills in Wisconsin.

The greater portion of the timber cut in 1911-12 consisted of Hemlock (22,000,000 feet). The leaving of burned Hemlock uncut within the area of logging operations of 1910-1911 and 1911-12 was pointed out by the Indians as particularly representative of mismanagement. As I have observed in my report of December 5th, the Hemlock market in the autumn of 1910 gave promise of a margin of only 66 cents per thousand in the manufacture of Hemlock lumber and this \$.66 must cover both stumpage and profit. The amount realized for both stumpage and profit on Hemlock sold during the period October 1, 1911 to September 30, 1912, was only \$1.56. The cost of manufacturing this lumber was not above the average cost at other mills of the same grade in the State of Wisconsin. Clearly the management made no mistake in devoting its chief energies toward the saving of Pine rather than Hemlock, and the enormous loss which has been alleged through the leaving of the less accessible Hemlock and that of poorer quality, never, in fact, occurred.

The Cedar cut by Paul Tebeau and left in the woods was within the logging area of 1911-12. This operation looks bad. The loss in stumpage value there was not serious, but the amount expended by the Mills in "staking" the Indian contractor, Tebeau, in this fizzling attempt to cut and land cedar was a clear loss. It is hard to fix responsibility in such a case as this. I don't feel that it is just to criticize Mr. Nicholson too harshly for disastrous results which flowed from an attempt on his part to encourage an Indian in industry.

Aside from the leaving of pine, Hemlock and Cedar in 1910-11 and 1911-12 no evidence of waste or mismanagement of any serious consequence was presented, except the leaving of unpeeled pine logs in the woods during the summer of 1913 from the square timber operation and other cutting of 1912-13. The number of such logs was not large. I should judge the whole amount thus left would not exceed 20,000 feet. At a stumpage of \$11.00 per M, this timber has a value of \$220.00. Even if these logs be given a stumpage value double this amount the value is not of great



relative importance in connection with a lumbering plant logging 30,000,000 feet a year. I have no hesitation in asserting that the stumpage value of these particular logs for sawing into timber at Neopit, or at any other mill was less than \$20.00 per M. For the sake of argument let us put the value at \$20.00 per M. This gives a value of \$400.00 to all that was left. The depreciation could not possibly be placed above 10%, or \$40.00. Is not this a mere bagatelle compared with the loss of time and cash which have been expended by the Indians in an unwise and misdirected attempt to make the little hill of non-feasance appear a mountain of mal-feasance?

I am sincerely thankful that the Indians observed the mistake that had been made and that they desire to direct attention to it. I cannot escape the conviction that if all of them had been perfectly honest and possessed of a really helpful public spirit the matter would have been reported to Supt. Nicholson and probably corrected. And it is but just that I should say that in my opinion more things of this character would be reported to Mr. Nicholson if his attitude toward the Indians and his employees were less reserved. If Mr. Nicholson were more approachable possibly there would be less tendency on the part of the Indians to confide their imperfect knowledge and fancied wrongs to persons having a limited and biased perspective of affairs upon the reservation.

When sifted, the charges of waste and loss in connection with the cutting of white pine and rock elm timbers were found to be of little substance. The slabs taken from the pine timbers had been paid for. An exceptionally high price had been received for the Pine taken. No man with any accurate knowledge of the market value of white pine and rock elm timber in Wisconsin would think of charging that the Indians were suffering a loss through the sale of the hewn white pine and rock elm.

During the thirteen months from September 1, 1911 to September 30th, 1912, the Menominee Indian Mills sold 11,717,870 feet of white pine at an average price of \$24.62 per M. I believe it fair to assume that substantially representative quantities of the different grades that the Menominee white pine will cut out were included in the amount then sold. That was the year when the large cut of pine made in 1910-11 was sold. The average cost of all lumber loaded in the car for shipment without stumpage was shown by the Neopit books for the year ending September 30, 1912 to be \$9.72 without stumpage. This shows \$14.90 for stumpage and profit combined. The cost of manufacturing pine is somewhat less than the average for all species. Let us assume that the cost of manufacturing pine was only \$9.00. This would leave \$15.62 for stumpage and profit. The prices of white pine in general have not advanced since September 30, 1912. White Pine B select and better is quoted today by the standard Minneapolis price list at \$72.00 per M for 2-inch stock. Very small quantities may be obtained by careful selection which will bring as high as \$85.00 when sawn in especially thick plank. However, the greater part of the higher grade output of mills manufacturing northern white pine is sold as C select and better. The highest quotation on this is \$65.00 per M for 2-inch stock. Now the sort of timber which is taken by Mr. Kemnitz under his hewn timber contracts would not saw out more than 30% of C select and better. The other 70% would fall into lower grades and part of it would need to be sold



in the form of sawn lumber for as low as \$35. or even \$25. per M. As the timber which was cut by Mr. Kemnitz in the Spring of 1913 was sold at \$70. per M stumpage for all he took, including the slabs which he hewed off, I am at a loss to understand how anyone with ordinary intelligence and sincerity of purpose can assert that the Indians suffered a loss because this pine was not brought to the mill and manufactured. Should it be suggested that the pine could have been cut into logs and sold for manufacture outside the Reservation, I venture to assert that the logs which Kemnitz took in 16-foot lengths on cars could not have been sold for \$35.00 per M, or one-half what was received for them without the cost of logging. Furthermore, the logging could not be done on this timber as cheaply as on the pine logged in 1910-11.

Let us discuss rock elm for a moment. The mill run value of the rock elm sawn into lumber and sold at Neopit in the fiscal year 1912-13 was \$18.84 per M. The average cost of manufacture during that period was \$10.16. Over two-thirds of the entire cut was Hemlock, and the cost of manufacture on rock elm alone was probably at least \$11.50 per M. This leaves \$7.34 for both stumpage and profit. Careful computation at Neopit has shown that the sale value of 1000 feet M.M. rock elm at 47 cents per cubic ft. of hewn timber is \$31.82. If we deduct from this \$31.82 a charge of \$2.00 to help wipe out the book charge for railroad construction, overhead expense, etc. which must be met by all stumpage cut on the reservation, we have \$29.82 as the actual amount per M realized for stumpage and profit on rock elm sold for hewn export timbers. That is, the net amount realized per M on the elm used for hewn timber is more than \$20. per M higher than the amount which can be realized through the manufacture of the same timber into lumber.

Very respectfully,

J. P. Kinney,  
Supervisor of Forests.

Hon. E. E. Ayer,  
Railway Exchange Bldg.,  
Chicago, Illinois.

*"A Kinney's summary" A*

Supplementary Report of Mr. J. P. Kinney, Supervisor of Forests, in the employ of U. S. Government, dated December 16th, 1913.

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Answering Mr. Edward E. Ayer's question in letter of December 8th, 1913, "What percentage of the merchantable timber left in the woods in the last three years will still be able to be taken to the mill?"

December 16, 1913.

My dear Mr. Ayer:

Your letter of December 8th was forwarded to me from Washington and received yesterday.

The total amount of logs left in the woods at Neopit during the past three years, which came to my attention, would not exceed 100,000 feet. I should say that at least two-thirds of this timber can be brought to the mill so as to realize a profit upon it. Thus the actual amount of these logs that cannot profitably be saved will be 25,000 to 30,000 feet board measure.

There were doubtless some logs left which I did not see, but as we covered a large part of the operations of the last three years, and traveled over large areas where all logs were picked up at the time of the original logging; I feel that we saw nearly all of the waste.

The amount of fire killed hemlock left standing which will not be logged this year and which could have been handled at an advantage from the camps previously established would not in my judgment exceed 250,000 feet.

Respectfully,

J. P. Kinney,  
Supervisor of Forests.

Hon. E. E. Ayer,  
Chicago, Ill.

Copy of Report of Mr. J. P. KINNEY, Supervisor of Forests, in the employ of U. S. Government, dated December 5th, 1913.

December 5, 1913.

Hon. Edward E. Ayer,  
Member of Board of Indian Com'rs,  
Railway Exchange, Chicago.

My dear Mr. Ayer:

I submit a report upon my examination of logging conditions on the Menominee Indian Reservation in accordance with your request and the instructions of the Commissioner of Indian Affairs.

I reached Neopit on the morning of Saturday, November 29, 1913, and after being introduced to you by Superintendent Nicholson left immediately for the woods on a logging train. The party with which I spent the day consisted of the following persons:

Mr. Philip Smith	
Mr. L. P. Holland	
Mr. D. F. Tyrrell	
Mr. A. S. Nicholson,	Supt. of the Reservation
Mr. Ernest J. Brigham,	Supt. of logging on the Reservation
Mr. Lincoln Crowell,	Deputy Supervisor of Forests "
Mr. Louis LaFrombois,	an enrolled Menominee Indian
Mr. Reginald Oshkosh,	"
Mr. Simon Beaupre,	"
Mr. Adolph Amour,	"
Mr. Paul Tebeau,	"
Mr. Thomas Prickett,	"
Mr. Robert Sanapaw,	"
Mr. Mitchell Waukaw	"
Mr. Joseph Longley	"
Mr. Mitchell Komaneikin,	"
Mr. J. P. Kinney.	

The logging train was placed at the disposal of the Indians in order that they might have the fullest freedom to show us the things of which they had complained. Mr. D. F. Tyrrell, who told me his home was in Gillette, Wisconsin, and that he practised law there, appeared deeply interested in the examination of the works, and apparently had held previous conferences with the Indians as to matters complained of. He said he had been upon the Reservation before and had been over a large part of the past operations. So far as I know Mr. Tyrrell was in no way the accredited representative to the Indians and was upon the Reservation by the courtesy of the Superintendent; but as he manifested such interest in the matters which the Indians desired to bring to our attention the greatest deference was shown to him in the way of an investigation of every instance of mismanagement or waste which he himself offered to show.

The logging train first ran into a spur on Section 17, T 29 N R 14 E, half way to Camp 12 from Neopit. Here Louis LaFrombois and Mr. Tyrrell took the lead in criticism of the manner in which logging was being conducted, and as to the deterioration which had occurred in three white Pine logs that

had been cut last Spring or Summer and had not been skidded until recently. These logs had not been peeled and the worms had worked in them. There was a difference of opinion as to the amount of damage that had been done. I asked that one log be scaled full and then scaled inside of the sap. Its full scale was 370 feet; the scale inside of sap 280 feet, - a difference of 90 feet. Some of the Indians and Mr. Tyrrell insisted all of the sap was practically worthless as compared with the value it would have had if it had not summered on the ground. There can be no doubt that the logs had deteriorated to some extent. They should have been peeled. The explanation by Mr. Nicholson that they knew they would get the logs this winter was not satisfactory. These logs were within two miles of Neopit, either the trees should not have been cut or else such supervision should have been exercised that they would not have been overlooked and allowed to lie through the Summer, especially with the bark on.

The objection to the manner of logging was that logs which had been decked this Autumn a short distance from the railroad spur, should have been left on the ground and skidded directly to the track when hauling began, or skidded to the track and decked there at first. Mr. LaFrombois and Mr. Tyrrell declared that there would now be a double decking expense because the logs would be sleigh hauled to the track and decked again. The distance to the nearest deck of logs was found by Mr. Crowell to be 75 paces, or 150 steps, about 400 feet. Obviously this was a very short sleigh haul if the logs were to be again decked.

To a query whether he intended to deck these logs again Mr. Brigham replied, "Certainly not, we shall load directly to the cars from the sleighs." When pressed as to what objection they had in view of this, Mr. Tyrrell and the Indians refused to accept Brigham's statement and said it had been customary on the Neopit operation to do the duplicate decking of which they complained. Although Mr. Nicholson said it had not been the custom the Indians insisted it had and I asked them to take us to some place where this had been done. They eagerly agreed to do this, dependence being placed upon Samuel LaFrombois to take us to one of the flagrant errors in this line. When we boarded the train, Samuel took us to the site of a large landing used at Camp 15 in the season of 1912-13, and declared this to be a place which showed the condemned practise. This was in the NW/SW of Section 10, 29, 14. Careful questioning developed the fact that Samuel had himself skidded at this old landing and that what he objected to was the unnecessary expense which had been incurred through skidding the logs for a ~~xx~~ long distance directly to the track instead of decking them where found and later sleigh-hauling to the track. That is, this landing showed exactly the opposite of what was required as evidence of the statements made by the Indians at the landing first visited.

I am sure every man present realized fully when we left this place that the evidence which had been offered disproved the previous allegations. I wish to make it clear that I do not believe Samuel LaFrombois had any purpose to deceive. He had simply misunderstood the situation and in their eagerness to find proof of their statements the others had not sufficiently inquired into that which he expected to show. Nothing further was offered through that day or on the two following days to show that the Indians had suffered any loss through mistaken



judgment on the part of the present or the former Superintendent of Logging, or any Camp Foreman in the decking of logs.

The Indians took us to a stick of hewn White Pine timber which had not been taken from the woods. This timber had been hewn under the Louis W. Kemnitz contract for ship timber. The stump measured 31 inches in diameter. The stick was not fully squared but had waney corners. The butt end measured 25 inches from face to face, each way, and 31 inches across from each waney corner to the diagonally opposite one. The stick was 38 feet long and the top measured 23 1/2 inches from face to face one way, 24 inches the other way and 26 inches from one wane corner to another. It was submitted as an exhibit of the great loss which the Indians were suffering through the wasteful hewing and the leaving of timber by Kemnitz. The stick bore the number 187 and other score marks which Mr. Crowell said were the private marks of Kemnitz. Mr. Crowell said the stick had been scaled and Mr. Nicholson told me it had been paid for. Since you left Neopit, I have taken great pains to ascertain whether this stick was actually scaled and paid for. I am forced to the conclusion that Mr. Nicholson was mistaken. I find that Charles Duquaine, a Menominee Indian who was scaler at Camp 15 last year declined to scale waney board Pine timber on the excuse that he did not understand how, and that Thomas Smith, a white man who was scaler at Camp 14 came down to Camp 15 to scale the Pine timbers as they were loaded out by Kemnitz. Under this system the stick would not be scaled unless Smith went to the woods and found it, and as this was not his duty there is little reason to believe that it was scaled. I had Mr. Smith interviewed and he said he did not remember getting the scale of any stick at Camp 15 that was not loaded out.

We found another White Pine Tree which had evidently been cut by Kemnitz and had been left because it was not suitable for hewn timber. It had been peeled, was a large tree and Mr. Prickett said he had previously scaled it and found it to be 38 feet long and to contain 1430 board feet. I should judge these figures about right.

At Camp 15 on the NW/4 of 16-29-14 we found several dry Pine logs rolled up for cutting into fire wood, which contained some merchantable lumber. This was bitterly denounced. We were all agreed that some fairly good lumber could be made from two or three of the logs. They had all come from one tree. Dan Hurley, the Foreman of this camp, said he had gone some distance to get this, dry wood being uncommon in that locality. There were certainly extenuating circumstances. Mr. Reginald Oshkosh said it had always been customary to use Pine of this quality or better at Indian Logging Camps. A certain amount of dry pine is necessary for building fires and cooking. I believe a mistake had been made but it was clearly not a matter which merited the prominence given it. Mr. Tyrrell made particular objection to the quality of hardwood which had been hauled in for wood. His remarks were in my opinion unwarranted. A cook cannot be expected to use wet or rotten wood when preparing meals for 60 or 75 men three times a day.

No the NW/SE of Section 10, 29, 14 we found quite a



number of Pine logs left and one whole Pine tree which had not been cut into logs. These had been peeled. On the SW/SE of the same section 60 feet had been taken from a Pine tree for square timber. Mr. Tyrrell objected to the great waste in slabs. As these Pine timbers were all scaled from one waney corner to another and in 16 foot lengths, through allowance for rise, and payment was received for the full log scale contents of every stick taken, including the material removed in the form of slab, the objection was entirely without force.

On the SE/SW of Section 10 Hemlock, Hardwood and Pine logs had been left. The ground was low. Dan Hurley said that the logs were cut late last Spring and that an unexpected loss of snow and breaking up of frost prevented the skidding of these logs in the Spring. Mr. Crowell said he personally thought this to be the case. One Pine tree over 3 feet at the butt and measuring 83 feet from the butt to the broken top had been felled by Kemnitz and left unsawn. No waste had yet resulted and it can be gotten this winter. It was in connection with the discussion of the advisability of cutting such Pine as this that Mr. Tyrrell declared most positively that such trees were growing at a high rate and that they were increasing rapidly in value each year through growth alone.

He expressed the opinion that such a tree had averaged a ring of growth  $1/8$ th inch wide each year throughout its life. As an inspection showed 35 annual rings in the last inch of growth and as the tree was undoubtedly more than 225 years old and probably 300, the misunderstanding of Mr. Tyrrell and the Indians as to the loss which was being occasioned through the cutting of such Pine was fully apparent. On the NE/SE of 10 and the NW/SW of 11 were unpeeled Pine logs. From one Pine felled by Kemnitz only 24 feet had been taken. The 12 foot butt log left scaled 530 feet full, and 440 feet inside of sap. The merchantable top left measured 34 feet. These logs will be gotten this winter, but I entirely agree with the Indians they should not have been left over Summer in the woods.

I have made diligent inquiry as to the reason why these logs were left. Mr. Kemnitz tells me that he was not advised as to the particular sections, quarter sections or forties on which he was to cut Pine Timbers, but was told to get them in the locality of the general logging operations and to fell any Pine from which he could probably obtain hewn timbers. It seems to me it was the clear duty of the management to designate the areas from which he was to cut and that the Superintendent of Logging should have kept such check on the hewn timber operations as to have been able to pick up practically all of these Pine logs last season. As the greater part of the logs and trees left by Kemnitz because of unsuitability for waney board timbers have been peeled and practically all can be picked up this winter the loss of thousands of dollars which the Indians allege is not apparent.

However, there is abundant evidence of a lack of care. The fault is inexcusable. In my opinion the blame lies primarily upon Mr. Charles Woodcock, the former superintendent of Logging, but I cannot excuse Superintendent Nicholson. Certainly the relationships of Indians and Indian Service employees on this reservation should have been such that conditions of this sort, known to many persons, should not have been permitted to continue unremedied.

We visited the area cut from Camp 11 which was located in NE/NW of Section 31, T 30, N, R 15E. This camp was built in November 1910 after the big Evergreen fir and was used two years. Here we observed a good white pine log 18 feet long right beside the track, and only a short haul away, 2 whole trees each containing more than 60 lineal feet of merchantable length, 14 large white pine logs and 1 squared timber 40 feet in length on the SW/NE of 36-30-14. These were said to have been cut the Spring of 1913 and had that appearance. They were not peeled and it will now be necessary to haul them to camp 17, about one mile distant. The SW/4 of Section 31-30-15 was logged in 1911. Some logs were left here and merchantable dead Pine left standing. Some of the dead Pine which was here pointed out by Mr. Tyrrell as constituting great waste had evidently been burned after an old logging operation and had been dead 10 or 15 years. In this connection it seems to me proper to observe that Mr. Tyrrell's position was quite inconsistent in that he magnified greatly the loss through worm damage to green Pine logs which had lain but a few months and yet maintained that the language of a mill man, who had told him that any Pine board which would hold together was worth sawing, must be accepted literally. Here night came upon us and we took the train to Neopit.

On Sunday morning we again took the logging train to the woods. One or two Indians remained at Neopit and two or three others joined us including Thomas LaBell and Mose Kitson. We first inspected a railroad fill on the SW/NE of Section 10-29-14. The fill was 13 feet or over, and the cut at each side of the fill about six feet. Merchantable Hemlock and Hardwood logs had been used in the fill. Mr. Tyrrell argued that unmerchantable and decayed logs which could be obtained in that locality, should have been used for the fill. Mr. Pridett said more dirt should have been used and declared the greater part of the dirt from the cut had been hauled away. Yet he admitted he had no personal knowledge of where it had been taken or whether any actually had been hauled away. His statements in this matter were absolutely worthless as evidence. Any one at all familiar with logging road construction would appreciate the utter folly of Mr. Tyrrell's proposition that a heavy fill of this character on a main line logging road where a 50 ton locomotive was used should be built largely of unsound logs and wood trash.

On Section 31-30-15 near quarter corner of Section 30 and 31 we found a dozen good Pine logs and on the NE/NW of 31 a culvert timber. In Section 30, near the line of Section 31, were a dozen white pine logs lying in a swamp for a RR grade. In the NE NW of Section 31, SW of camp 11 (Walter Quick, foreman) were 21 Hemlock logs and 8 Pine logs cut in 1910-11. Between camp 11 and the Railroad track, 300 feet apart, we found 10 good quality white pine logs.

I have no doubt there were Pine logs left which I did not see and many Hemlock trees were left standing besides the logs left. Mose Kitson took us to a log and dirt railroad bridge and fill on the NW/4 of Section 31-30-15. Kitson said 4 men (including himself) and one team worked two days cutting and skidding logs for this fill. Mr. Peterson, who had charge of this work, said about 12,000 feet were put in there; only one Pine log. I am inclined to believe the fill could not have

been more cheaply made. Mr. Tyrrell declared that this was a locality which he had particularly in mind in his statement, that thousands of dollars worth of timber had been wasted.

The logging railroad grade beyond Camp 11 as constructed in 1910 followed a small creek for about 1/2 mile through low ground. It appears that after the first year's logging was completed a cut-off was made skirting the slope of a hill. The length of the cut-off was not over 1/2 of a mile. On the cut-off it was necessary to remove loose dirt and stones a depth of 3 ft. to 8 ft. for a distance of 550 or 600 feet. The average depth of the cut was placed at 4 feet. John Peterson, Asst. Supt. of Logging said the cut-off was built in June, 1912, to bring out the logs from Camp 12B located in the NE/SW of Section 20-30-15. This cut was shown as an exhibit of a useless expenditure of Indian funds in the relocation of a railroad grade.

Mr. Peterson told me that the expense of upkeep on the old road bed was very heavy because of its location in low ground and its many curves, that the cut-off was built so as to get a good roadbed for the hauling of heavy trains of logs. He thought the expense justified. To quite an extent his explanation was plausible in view of the condition there. The cost of the cut probably was not very heavy. Supt. Nicholson remained at Neopit Sunday. He later explained that this cut-off was built as a passing track for trains. This explanation also seemed plausible.

I regret to say that the conflicting explanations of Mr. Nicholson and Mr. Peterson left me in some doubt as to just why the cut-off was made. As a test to Mr. Peterson's memory and as a check against his having failed to remember all circumstances while talking with me I called him on the 'phone later and requested a restatement from him as to why this cut-off was made. He gave the sole reason as the need of a better track, saying that only 5 or 6 cars could be brought over the swamp location and that they wished to bring 12 cars direct in, past this point, from camp 12B. He said positively and repeatedly that the rails from the old grade were placed on the cut-off. I am convinced Mr. Nicholson is mistaken as to the "passing track" proposition. I am not prepared to say that the making of the new grade was an unnecessary expense.

The logs which Tom LaBell cut on the East side of RR in NW/SE of Section 32-30-15 in 1912 were hauled to a landing along side this cut-off. ~~LaBell used Camp 11.~~ LaBell used Camp 11. He said the rails beyond the cut-off and on the old circuitous grade had been taken up before that time. Mr. Tyrrell had pointed out Hemlock ties, which had been laid as a travel bed for horses used on a jammer in loading LaBell's logs, as an exhibition of waste. Mr. Tyrrell's statement that 110 of these ties were all salable was absurd. There was hardly a tie among them that would have met standard specifications where new and practically all, and I believe all, had been used once as shown by the spike holes. LaBell paid \$36.00 for use of Camp 11 and \$30 for use of sleighs for the season of 1912-13, cut 500,000 feet, hauled about 2 miles, received \$6.00 per M and cleared \$1.00 per M. These were his own statements to me.

In the SW/4 of Section 32-30-15 attention was directed to Cedar cut out of the logging road in 1910 and left. Mr. Tyrrell said this was that which he had referred to in a statement he had filed. Northwest of Camp 11 we found a second cut in a Pine



left, it scaled full 550 feet and 380 feet inside of sap; at lower end was a 10-inch defect in heart and at top 6 inches. We placed it at average of 8 inches. The tree was a wind fall, and the second cut very knotty. The 3d log was crotched but contained 180 feet. Another 6 foot cut which might have been taken scaled 220 feet full but had 8 inches center rot. There were also two small logs in the top, but the tree had been dead years and worms were in it long ago. It was only 20 rods from RR. Farther along the trace was a small pile of Cedar, a Pine log and a Cedar pole 30 or 40 feet long, close to track. Away a few rods Mr. Tyrrell reported he found 30 foot left in a Pine from which the butt cut was taken, and Hemlock logs left. This was about 40 rods from RR. I was talking with Mr. Prickett when he made this examination. His statement that he would make a record of any refusal on my part to go in and see timber, prompted me to record that which he reported. I accept his report without reservation.

On the NE/4 of 36-30-14 was a White Pine cut and left. Hollow but log 12 feet long. Had it been rolled out one could crawl through it, but rim was sound and I allowed 200 feet scale; 2d log 480 feet; 3d log 480; top piece about 5 feet long allowed 140 feet. Near by was a 26 inch Norway stump only a 12 or 14 ft. log taken; rest good. On NW/4 of 31 a horse jammer left. I noted boom stick broken in half, brace to this broken and one runner split; not of much value. A 16-foot Hemlock near sleigh road cited as waste I found out from a dead tree, full scale 270 feet, actual sound material not over 50; haul to RR nearly 1/2 mile. Noted several Hemlock skids left, one Hemlock log scaled 180 feet.

On Monday the engine and caboose were again placed at our disposal. Mr. Holland, Mr. Smith and Mr. Nicholson did not go with us; practically all of the Indians who went Saturday went with us and also John Warrenton, Alexander Warrenton, James Boyd and others. Mitchell Waukaw was not with us, but his son was. This trip was made for the especial purpose of showing me waste observed late Sunday afternoon during the hour when I was not with the main party. Much was made of the loss in a heavy fill on a sleigh road in the NW/NE of Section 6-29-15. This area was logged from Camp 12A in 1910-11 under John Peterson, then camp foreman.

The greater portion of logs in this fill were said to be large white Pine of good quality. When brought there I at once recognized that nearly all of the logs were extremely punky, and insisted upon a critical inspection of every one of them. We went over them one by one and agreed whether they were worth taking to the mill or not. Objection was made by Mr. Tyrrell as to the losing of time. However, he remained and examined the logs with me and the Indians, particularly with James Body whom the Indians had evidently taken because he had scaled logs on the mill deck at Neopit. Boyd sued the scale rule. When we were through, of the "dozens" of "excellent" logs used for the fill, only three 16 foot logs had been agreed to be worth taking to the mill. In the second fill a few rods beyond we found only one Pine log that we agreed should have been milled and this scaled only 80 feet sound material. A White Pine beside this fill and in a bad place to get scaled 440 feet full and Boyd allowed 280 feet. Just beyond a Norway beside the road scaled 100 feet, sound material. A White Pine 50 feet from road scaled 210 feet. A broken pine on side hill on left scaled 140 feet and

100 feet. Another top scaled 40 ft. An old fallen tree near road would certainly scale out more than 500 ft. of sound material.

Just beyond, 2 Norway skids which had been sawn into logs had been left. They scaled 60 ft. + 60 ft. + 70 ft. + 80 ft. = 260 feet and 110 ft. + 100 ft. + 80 ft. + 60 ft. = 350 feet respectively. We found another skid of 4 logs, 12 inches at top, 16 inches at butt, and then 4 more Norway skids of 5 logs each. We then came to a bridge over a ravine. On top of the high cribs of Hemlock logs had been used two Norway stringers, one of these was 57 feet long, the other 84 feet. I believe stiff, sound stringers were necessary on this bridge.

Just beyond this and in an area almost directly west of Camp 12A and about one half mile from it we found pine logs left in the elevated driveways which had been built for the getting of logs on to the skids. We scaled pine logs in the 1st drive as follows: 240, 300, 80, 330, 160, 100, 100, 240, and 60, that is, 9 logs with total scale of 1530 feet, and three Norway scaling 60, 40 and 20 or a total of 130 feet. In another skid driveway we scaled as follows: White Pine 210, 40 - 250, and Norway 60, 100, 70, 120, 180, 210, 180, 140 - 1060 feet. Beyond this point there were left in a ravine White Pine 100, 70, 40, 70, 60 - 340 feet, and Norway 180, 40, 180 - 400 feet. We noted one other Pine containing 210 feet. These logs were in a very rough rocky glacier morain, but I believe the leaving of them absolutely inexcusable. On our way into this cutting from Camp 18 I noted 12 Hemlock and 2 Pine skids left, the later were not put in by Peterson but were the remains of old Indian Logging and were 70 feet long.

Both in going to this Pine and returning we passed through Paul Tebeau's celebrated Cedar cutting. Hundreds of cedar logs were left here. I understand that Tebeau was given a contract to cut out the Cedar that he cut these logs in 1911-12 and got none of them out, that he then asked for another contract in 1912-13 and that the management would not permit him to go in again. I understand that the operation had furnished his camp with all tools and supplies in order to give him an opportunity. He failed to get the cedar which he cut that winter out to the railroad grade. The next year the best interests of the operation were thought to demand the pulling up of the steel on the nearest track, the cedar was left and the management would back Tebeau no longer. If these be the facts, and I have heard no one dispute them, whatever loss the Menominee Indians have suffered has been chiefly due to the default of one of the tribe, Paul Tebeau.

I believe no serious loss was suffered as to stumpage. The Cedar was of only fair quality. A comparatively small proportion of it would have gone as poles if it would have been cut green. It was in the burned district of 1910. The Northwestern Cedarmen's Association Rules will not admit burned timber for cedar poles and ties. All of Tebeau's cuttings were into logs which would be used for shingles. I find from the Annual report of Neopit operation for the year ending September 30, 1912, that every thousand feet of shingles manufactured, cost, including stumpage \$2.45 per M, that the shingles sold during the same period averaged only \$1.71 per M. This shows a loss of substantially \$.75 per M. Thus it is clear that whatever criticism is given the management on this Tebeau cedar proposition should be



for letting Mr. Tebeau undertake to cut any Cedar, rather than for failing to permit him to cut more. Until shingles manufactured from this material can be sold at a profit the best interests of the Menominee Indians demand that the dead cedar in the SE/SE of Section 31 and SW/SW of Section 32 30-15 and the NE/NE of Section 6 and NW/NW of Section 5-29-15 be left standing.

I have recited at great length the details of this three day examination. I fully realize that the reading of so long a report is even more exhausting than its preparation but the allegations of mismanagement at Neopit have been so persistently and vigorously urged that I have felt that it was best while my original field notes were available and my memory of details clear to set down in very complete form the facts as they were represented and as they were actually found. I have made frequent reference to Mr. D. F. Tyrrell.

As I understand it, Mr. Tyrrell was in no sense authorized to act for the Menominee Indians, either as a tribe or as individuals. He manifested deep interest in their affairs and told me the services which he had tried to render had all been gratuitous. He is an earnest, energetic man. In the three days that I was with him in the woods I became convinced that his theoretical and practical knowledge of lumbering was quite limited and the standards which he had applied for arriving at a determination of gains and losses in the lumbering business were not sound.

For instance, he felt a great loss had been suffered when he found burned cedar and Hemlock left standing or used for railroad fills. I have shown above that there was a loss suffered on every thousand feet of cedar brought to the mill. Let us discuss Hemlock. I find from the Neopit records that the average cost of manufacturing all kinds of lumber at Neopit from July 1, 1910 to September 30, 1911 was \$10.53 without stumpage charge. The average price received for Hemlock during the period July 1 to December 31, 1910, was only \$11.19. Thus in the fall of 1910 when the Evergreen fire burned millions of feet of Hemlock, there was no expectancy of receiving for stumpage and profit more than \$.66 per M, even on green Hemlock.

However, during that period 8,000,000 of Hemlock were cut in the face of these conditions. During the year October 1, 1911 to September 30, 1912 the Menominee Mills cut 22,000,000 feet of Hemlock. The average price received for Hemlock during this period was only \$11.28 per M. If we subtract from this \$9.72 the average cost of manufacturing all species during that period we have left only \$1.56 for stumpage and profit. Clearly no great loss was suffered through the leaving of burned Hemlock in the woods. I know that other manufacturers of Hemlock in Wisconsin claimed during that period that they could not afford to pay more than \$1.00 per M for Hemlock stumpage.

I should speak of two more matters brought to my attention on these three days. We found a second squared pine timber left in the woods. This was south of Camp 14. It had been sawn into logs and skidded. Mr. Crowell told me that he examined it before skidding and found one end marked U.S. with a hammer. This indicated that it had been sealed and paid for by Mr. Kemnitz. We found a watering trough at Camp 17 dug out from a Pine log. Mr. Peterson told me it was made at Camp 12 and had now been in

use three years. A trough could have been made more cheaply from plank, but the loss has been greatly exaggerated.

On Monday evening I was asked if I would go up near Askonet the next day to examine the Kemnitz cuttings in Rock Elm. I had reports which must be done and told the Indians to send two or three of their number up there to measure some logs and waste, to measure the area covered and to report to me what they found.

Simon Beaupre and Joseph Longley went. They reported in the late afternoon that they visited Section 5, T 29N R14E, that they scaled a waste of 6270 feet of timber fit for saw timber on an area which they estimated to be 10 acres. They had not paced or measured the area. This waste was found in 19 elm tops, 2 whole elm fallen and left, and one elm which had been notched and left and later felled by the wind. They also found 2 maples, 1 Birch and 1 Basswood fallen and left. This cutting was done in the Spring of 1913 when Simon Beaupre was the forest guard in charge of the scaling of Rock Elm.

Mr. Nicholson, Mr. Crowell, and Mr. Kemnitz tell me that every Elm tree which Kemnitz falls he is expected to pay for. If he hews an Elm and does not take it he pays for it at the rate which he pays for square timber, which he actually ships and if by mistake he falls an Elm which proves to be so defective that he does not hew he pays the regular stumpage rate of \$.50 at which the Neopit operation charges itself. He also pays the regular stumpage rates on every tree of any other species that he fells or breaks down.

If anything has been lost to the Indians through lack of proper scaling the fault lies primarily with Simon Beaupre, a Menominee Indian, whom the management entrusted with the duty of scaling all of this timber.

I have confined my remarks to the woods end of this proposition as much as possible. I am entirely satisfied that the Menominee Indians have received far higher stumpage rates through the sale of their Rock Elm and White Pine for hewn timbers than they possibly could have received if the trees had been cut into logs and brought to the Mill or had been cut into logs and sold for saw mill purposes at private sale, auction or sealed bids, to Mills outside the reservation. I have gone into this matter very thoroughly with the employees here and especially with Mr. Crowell. I have checked over carefully with him the comparative figures which he has prepared. There is now on file at the Neopit office sufficient data and comparisons to explode completely every allegation that has been made to the effect that the White Pine and Rock Elm which has been sold as squared timbers at Neopit could have been more profitably utilized in another form.

I have already expressed in plain terms my opinion of the amount of Pine timber which has been left in the woods

at Necpit in the last three years, especially in 1910-11 and in the loose and unbusiness like manner in which Pine timbers have been cut in the past year with the result that many logs of the highest value have been exposed to worms during the summer.

Respectfully,

J. P. Kinney,  
Supervisor of Forests.



J. P. Kinney.

Subscribed and sworn to before me at Washington,  
D. C. this thirteenth day of January, 1914.

(SEAL) Helen V. Bridge.  
My Commission Expires Aug. 9, 1915. Notary Public.

12 Brigham & Crowell

Statement of Earnest J. Brigham, Superintendent of Logging,  
Menominee Indian Reservation, Neopit, Wisconsin, dated December  
16, 1913.

From the foregoing statement of pick up scale the  
following statement shows this year's intended disposition.

	- SE SE Sec. 8, T 29N, R 14E -
2,540	ft. White Pine left from Waney Board cuttings now decked in rollways ready for hauling from Camp 15's present operation.
	- SE NE Sec. 17, T 29N, R 14E -
9,420	ft. White Pine to which roads are now out and skidways built ready for skidding during present year's operation as soon as the soft ground on which they lie is sufficiently frozen to allow team work.
	- NE NE Sec. 17, T 29N, R 14E -
4,070	ft. White Pine ready for skidding as above.
	- NW NW Sec. 16, T 29N, R 14E -
3,910	ft. White Pine on so called State School Land at present in litigation, which we are forbidden to move.
	- NE SW Sec. 10, T 29N, R 14E -
9,910	ft. White Pine in present year's Camp 15 operation to which roads are built, skidways and landing left from last year's operation for that purpose.
3,480	ft. Hemlock scaled and planned to take out as above - Camp 15 operations.
	- SE SW Sec. 10, T 29N, R 14E -
23,150	ft. White Pine adjoining above description and to be logged with it.
	- SW SE Sec. 10, T 29N, R 14E -
4,880	ft. White Pine adjoining above description and to be logged with it.



- NE NE Sec. 6, T 29N, R 15E -

2,180 ft White Pine & Norway left in 1911 and 1912 operation not accessible to this year's work.

- NW NE Sec. 6, T 29N, R 15E -

7,590 ft Fire killed White Pine & Norway skids - logs - bridging, etc. left 1911-12. Not accessible this year's work.

- NW NE Sec. 31, T 30N, R 15E -

6,870 ft Fire killed White Pine & Norway - skids, bridging & logs left season 1911-12. Not accessible in this year's operation.

- NW NE Sec. 31, T 30N, R 15E -

770 ft Pine logs left in swamp near Camp 11, season 1911-12. May possibly be skidded out this winter, but there is no frost in the swamp sufficient to hold them this date, Dec. 16, 1913, making it problematical.

- SW SE Sec. 30, T 30N, R 15E -

1,710 ft Pine & Tamarack, same condition as above.

- NE NW Sec. 31, T 30N, R 15E -

3,730 ft Pine, and

3,220 ft Hemlock, same condition as above.

- NE<sup>1</sup>/<sub>2</sub> Sec. 36, T 30N, R 14E -

2,960 ft White Pine decked in Camp 17 rollways ready for present season's hauling.

1,110 ft Pine to be drayed into above job.

660 ft Pine not accessible to this season's logging.

2,610 ft Hemlock not accessible to present season's logging.

33,250 ft. Not accessible or probability of logging at least doubtful.

61,520 ft. Accessible to present year's operation.

Very respectfully,

(Signed) Earnest J. Brigham  
Supt. of Logging.

Dec. 16, 1913.

I hereby certify that the foregoing descriptions, log scale, memoranda and data as shown hereon are true and correct to the best of my knowledge and belief.

That I believe that I have covered all the ground, viewed and scaled all merchantable logs under discussion, and to which attention was called November 29, 30 and December 1, 1913, during investigation upon complaint of Menominee Indian Committee, and all such other logs found by me, not seen or mentioned by that committee in the several localities visited.

That such scale was well and truly made by means of a Scribner Decimal C Log Rule and Calipers used where rule could not be applied.

That I did not include cedar logs and poles cut by Paul Teabeau at and about the corner of Sections 31, 32 T. 30N. R. 15E.  
6 5 T. 29N. R. 15E. lying in swamp containing from 2000 to 4000 pieces.

That I did not include certain hemlock logs obviously left for present season's logging on the southwest 1/4 of Section 10, T. 29N. R. 14E, which I estimate to be in the neighborhood of 20,000 feet.

That the total scale of logs herewith included as shown in the foregoing report equals 94,770 feet log scale.

Signed: Lincoln Crowell

Signed Ernest J. Brigham

Deputy Supervisor of Forests.

Superintendent of Logging.

(SEAL)

State of Wisconsin  
County of Shawano )

On this 16th day of December, A.D. 1913, personally appeared before me, a Notary Public, Ernest J. Brigham and Lincoln Crowell, who being duly sworn, acknowledged that they executed the foregoing instrument to be their free act and deed.

H. C. D. Ashford,

Notary Public.

My Commission expires June 20, 1915.

Report of Mr. Edward R. Ayer's interview with Mr. Earnest J. Brigham, Superintendent of Logging, and Mr. Lincoln Crowell, Deputy Supervisor of Forests, at Menominee Indian Reservation, Neopit, Wisconsin, December 16, 1913.

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- Mr. Ayer: Q. You were with Mr. Holland and Mr. Smith and Mr. Kinney two days that they were in the woods, and with Mr. Kinney the one following day when Mr. Tyrrell was pointing out the timber to substantiate his letter and his charges about logging in these woods?
- Mr. Brigham: A. I was.
- Mr. Ayer: Q. Do you think Mr. Tyrrell had any practical knowledge of conditions in logging or any knowledge of the qualities of timbers during the days that you were with him?
- Mr. Brigham: A. I would say he had some knowledge, but the major part of his questions and statements would indicate to me that he is not a practical logger and that his estimates on the conditions of timber left on the ground and standing burned timber were very erroneous.
- Mr. Ayer: Q. Mr. Crowell, you were of the same party: is that your opinion also?
- Mr. Crowell: A. Yes sir.
- Mr. Ayer: Q. Did he strike you as being a man who wanted to be entirely fair and get at the true state of affairs, or not?
- Mr. Brigham: A. He did not.
- Mr. Ayer: Q. The same with you, Mr. Crowell?
- Mr. Crowell: A. Yes sir.
- Mr. Ayer: Q. Did it seem to you that he felt bound to make out a case, bound to substantiate his charges, whether they would be right or wrong upon investigation?
- Mr. Brigham: A. It certainly did.
- Mr. Ayer: Q. Mr. Crowell?
- Mr. Crowell: A. Yes sir. It would seem he talked more for the effect that his speech would have on the Indians accompanying us than any effect on us.
- Mr. Ayer: Q. Is that your opinion too, Mr. Brigham?
- Mr. Brigham: A. Yes sir.
- Mr. Ayer: Q. The territory over which these logs were soaled covered all the territory visited by you while accompanied by Mr. Tyrrell and the Indians?
- Mr. Brigham: A. It did.
- Mr. Ayer: Q. How much more?
- Mr. Brigham: A. Twenty-five per cent. more. At least 25% more.
- Mr. Ayer: Q. And that is your judgement, Mr. Crowell?
- Mr. Crowell: A. Yes sir.

Interview with Mr. Brigham and Mr. Crowell - page 2.

Mr. Ayer: Q. I see that in your summary you say that sixty-one thousand feet out of the ninety-four thousand feet is accessible to present year's operation. About what percentage of the thirty-three thousand feet can there be got to the mill with a reasonable profit?

Mr. Brigham. A. About thirty per cent.

Mr. Ayer: Q. That is your judgment, Mr. Crowell?

Mr. Brigham. A. Yes sir.

Report of Mr. Edward E. Ayer's interview with Mr. Peter Lookaround, storekeeper, at Menominee Indian Reservation, Neopit, Wisconsin, August 29th, 1913.

November

Mr. Lookaround is a graduate of Haskell University, and one of the two leading merchants of Neopit.

Mr. Ayer: Are you satisfied with the conditions around here?  
Lookaround. Yes sir.

You think these are honest people who have charge here and that they are making an honest effort to do the best they possibly can?

Yes, under the conditions. I think Mr. Nicholson is about the best we ever had.

You think this man, Mr. Nicholson, does what he can to employ all the Indians he can?

Yes sir.

Have you had any experience in other lumber yards or lumber schemes besides this one here?

Well, I used to work a little in the woods.

But not in the manufacturing of lumber?

No.

Do you think that they are succeeding in doing the logging in the woods properly?

I think they are: of course it costs more money now.

Of course, but that will be best in the long run, and aren't you in harmony with this method of doing it? You know if it succeeds it will be a great benefit to the Indians in the long run?

In the long run, yes.

Mr. Ayer: There seems to be a body of Indians in your reservation that are very much dissatisfied with the way things are being done.

Lookaround. Well, these are always the same ones that are dissatisfied - - no matter who we had for our Agent, and there seems to be a half breed at the head of this who is making complaints and he is telling them, you know, that they ought to have their money and that these people here of the Forest Department are squandering the money, and so the people are beginning to think the same way.

But you are satisfied that the Department is doing the best it can?

Yes.

You are satisfied that since Mr. Nicholson came here there has been a large improvement in the conditions of the mill and the prosperity of the tribe?



Lookaround. Yes. A man here must have executive ability, he must settle family matters and deal with the liquor question, and I think Mr. Nicholson has done well.

Mr. Ayer. And you, and the class of Indians that you represent, feel that the Agency has been well managed, as well as the mill?  
Yes.

Now then, what percentage of the 1700 Indians on this reservation feel as you do?  
I could not say.

Well, is this feeling that has been worked up pretty wide spread?

Yes; of course when they feel they can't get any money they are all against the Agent; they feel that if they can't get any money it is being spent here. You can't tell them that this mill is making money because they won't believe it. They will say, "We don't get anything."

Is there a special committee organized here of five or six men who are trying to oppose the running of the mill?

I think so.

Do you think this "opposition" would be glad to have the mill closed up and the logs sold?  
Yes.

Aren't you perfectly satisfied that if these logs were put on the market as they used to be you would fall into the same difficulties in getting low prices that you did before?

In the old way the Indians used to get work for only 3 or 4 months in the winter, but now if the Indian wants to work he can go to work any time the whole year round. You will find records in the office that a few Indians have worked every month in the year.

Mr. Ayer: What is it that the Indians are trying to do by employing attorneys. What is the necessity?

Lookaround. Well it's this same thing,- about getting their money.

Are they trying to force the Government to pay back some money or to get the money out of the Government's hands? Does a large proportion of the Indians think the Government ought to pay back the money lost in the "down" lumber?

No.

Mr. Ayer:

But the "opposition" does want the Government to surrender the million or two and divide it up amongst the members of the tribe?

Lookaround.

Yes, and these "blow downs" are telling the Indians the Government held back some of the money, and they are going around and saying to these Indians, "We want to employ an attorney for the benefit of both of us," telling the Indians they should have the same attorney as the white man.

Mr. Ayer:

Do many white men come on the place and agitate them and find fault with the mill? Are the white people around the reservation and those people all the time trying to make trouble and do away with the mill?

Yes.

What is it your impression that the effect would be if they succeeded in stopping the mill and having a change in administration? Would it be injurious?

I think it would, because we have so much money invested.

Do you think that you can preserve the timber for the next fifty years, that will come off this reservation, better by having a mill than without one?

Yes sir.

## 13A Lookarounds

Questions answered by Mr. Peter Lookaround. Submitted, and answered, in writing, and sent to Mr. Ayer at Chicago.

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Q. What promises or what talk has been spread amongst the Indians by Mr. Tyrrell and those associated with him as to what they could do for the Indian?

A. There would be a change of Supt. in Neopit, Wis.

Q. Do you understand that the Contractors from whom the Government deducted certain moneys on "Blown Down" should have their claims paid?

A. Yes.

Q. Do they say the Government is to pay these or is it to be paid out of tribal funds?

A. Do not know.

Q. Do you understand from talk generally circulated by them that a million dollars of Indian money has been wasted?

A. Over a million dollars.

Q. Do they claim to be able to secure payment to the tribe of certain claims known as the Stockbridge two-mile strip claim?

A. Do not know.

Q. Do they claim to be able to secure to the tribe Sections 16 and swamp lands now claimed by State and which question is now before Supreme Court?

A. No.

Q. Do they claim to be able to secure annuity payments to the tribe?

A. Yes. \$50.00 a head; if not \$30.00 a head.

Q. What promises in general do you gather have been made by Mr. Tyrrell or any of his associates that tends to carry favor with the Indian, either for or against anyone, or on behalf of any one?

A. Do not know.

Q. What do you gather is meant by various statements or gossip circulated that money is being wasted on the Neopit operation?

A. Waste of timber mostly. Too much cull lumber. Too many high salaried employees.

(Signed) Peter Lookaround.

*File*

Report of Mr. Edward E. Ayer's interview with Mr. C. A. TURTLEHEAD, storekeeper, at Menominee Indian Reservation, Neopit, Wisconsin, August 29th, 1913.

*November*

- Mr. Ayer: Q. Are you a full blooded Indian?  
Turtlehead. A. No.
- Q. You have known this Agent, Mr. Nicholson, since he has been here?  
A. Yes sir.
- Q. Do you think he has made an effort to be fair and square in his dealings with the Indians?  
A. Yes, as far as I know, he has.
- Q. Now there seems to be a feeling amongst some of the tribe that the mill ought to be abolished. They don't think it is making money, - although the reports show it has been making money. Do you think it would be better to sell your logs than it would to saw them?  
A. Well, of course we were laying up money right along then.
- Q. Do you think these people are using economy in sawing the timber and disposing of it?  
A. Well, I think in disposing of it they are, but of course there is lots of timber that has been sawed here that doesn't amount to much. There have been miscuts and a lot of it spoiled by the saw.
- Mr. Ayer: Q. Are you familiar with the ordinary percentage of miscuts in the mills in Wisconsin, or only this one?  
Turtlehead. A. Yes, only this one.
- Q. Do you think that for the last three years the logs have been properly taken care of?  
A. I haven't been in the woods and don't know.
- Q. There seems to be some Indians here who are very much dissatisfied with the administration as carried on here; they are against the mill and against the Agent and his work. What percentage of this tribe feel that way, do you think, about him?  
A. I don't think the percentage is very big.
- Q. About 5%, say?  
A. I don't think that much.
- Q. Is that percentage who are usually against the Agent here the industrious hard working Indians?  
A. No, they are not.
- Q. Are they amongst the class who try ~~to~~ to get an easy living and are not usually found on the pay roll of the mill?  
A. Not very much. (Meaning they are not found very much on the pay roll of the mill).

Mr. Ayer: Q. Do you think that these men who are finding fault and are not the working men of the tribe could manage this affair better than the Agency is managing it?

Turtlehead. A. No, I don't think so.

Q. And you would not be satisfied to have the management of the mill in the tribe?

A. This man who is here seems to be a pretty good, straight sort of a fellow, and I think he could do as well as anybody else would.

Q. You think this man employs all the Indians that he has a place for?

A. Yes, I think any Indian that wants work he can find a place for.



Report of Mr. Edward E. Ayer's interview with Mr. JOE GRISTO, policeman, at Menominee Indian Reservation, Neopit, Wisconsin.  
~~August~~ 29th, 1913.

November

Mr. Ayer:  
Gristo.

Q. You are a policeman here, are you not?  
A. Yes sir.

Q. Are you a Menominee Indian?  
A. Yes.

Q. How long have you been here, Mr. Gristo?  
A. I have been here, I think it is eight years.

Q. Are you familiar with the lumber yards and the logging, and everything pertaining to the carrying on of the Menominee Indian Reservation?  
A. No.

Q. Are you familiar with the lumber yards down in Oconto, or anywhere else?  
A. Well, I was raised in Marinette, but of course I never worked in the mills.

Q. Then you are not familiar with the way the lumber yards are kept at Marinette and Menominee?  
A. Yes, I have been in there.

Q. Well, how do you think this compares with them?  
A. Well, I have never seen anything lying around in other yards. It is generally picked up. Of course here there is a good deal lying around, as anyone can see for himself. Of course, though, they clean it up every once in a while.

Q. Do they clean it up say, once or twice a year?  
A. Oh yes; maybe once a month for all I know.

Mr. Ayer:  
Gristo.

Q. Do you get your wood from the plant?  
A. Yes.

Q. What condition is the wood in? slabs, sawed up 16-inches long and not split?  
A. Yes.

Q. What do they charge you for that, delivered at your house?  
A. \$2.00 a load, - about two cords.

Q. That makes about a dollar a cord. How much would it cost you to go around the yard and get the broken pieces and get them to your house and have it sawed up?  
A. Well, I don't think I could get it cheaper. It would take a long time to pick it up and I would have to get a team.

Q. Do you think any of the Indians who have families can always get it at \$1.00 a cord, delivered?  
A. Yes.

Mr. Ayer:

Q. I notice there are some Indians who are dissatisfied with the working of the plant and the whole conditions?

Gristo.

A. Well, the way I understand it, they are.

Q. Are these men working for the company?

A. They had been working right along, - but I guess they lost their jobs.

A. Do you know for what reason?

A. Well, not exactly. Once in a while some of them come and tell me the trouble, but I never took any trouble to keep it in my head.

Q. Do you know how many Menominees are working in the woods etc?

A. No sir.

Q. Isn't it the usual thing that the Indians are usually given a job if they are good workers?

A. Well, --- yes.

Q. What percentage of the tribe do you think is dissatisfied?

A. Well, as far as I know, most of them are not satisfied and only a few are.

Q. Well, what do they want instead of what they have got?

A. Well, I don't know what they want.

Q. Have they any better scheme?

A. They claim they have.

Q. Are they the hard working men that devote their time to work who think they can do better, or are they the men outside, who don't work? Do they want to do away with the mill?

A. No; I think the idea is that the mill ought to be making money, instead of running behind every year.

Mr. Ayer:

Q. But, is it a fact that they are running behind? Where do they get that idea?

Gristo.

A. Well I don't know; those are the reports I hear.

Q. Well, do you know whether these reports are true or not?

A. I couldn't say.

Q. Who has been telling these men that the mill has been running behind?

A. I couldn't tell.

Q. Well, don't they know they can come to the Agent and find out exactly how the mill is run? Has it not always been that any Indian can come in and examine the books any time?

A. Yes; - although I don't know whether they ever did or not.

Mr. Ayer:

Q. Well then the only reason they are dissatisfied is that they think this mill is losing money every year?

Gristo.

A. Yes.

Q. Well, do you think they would be satisfied if they could be informed that this mill is making money every year?

A. I don't know how they would feel about that.

Q. Have any of their attorneys, or the outside people, told them that the mill is losing money?

A. I couldn't say, only every once in a while they get wind that the mill is losing money.

Q. Don't you think it would be the proper thing to do to have your men go to the office and examine the books?

A. Why, sure.

Q. And don't you think that if the men knew that the last two years the mill had added to the funds at Washington \$444,000 they would have been more satisfied with the management?

A. Why sure,- if they had known it.

Q. You are convinced that if the Indians knew the mill was making money they would be satisfied?

A. Yes sir.

*File*

Report of Mr. Edward E. Ayer's interview with Mr. CHARLES W. CHICKENEY,  
at Menominee Indian Reservation, Neopit, Wisconsin, ~~August~~ 29, 1913.

*November*

Mr. Ayer:  
Chickeneey.

Q. You are a Menominee Indian, of course?  
A. Yes sir.

Q. Mr. Chickeneey, how long have you worked here  
for the plant?

A. Two years in June.

Q. What is your position?

A. I am what they call "Retail Salesman."

Q. You are familiar with the way the lumber is  
piled and kept in the yard?

A. Yes sir.

Q. Are you familiar with the way it is piled in  
other lumber yards?

A. No; I am not.

Q. There seems to be several men here who are much  
opposed to this whole scheme. Are those men usually  
the laboring, hard working men for the mill, or are  
they the people who do not work much?

A. Well, I know of two who do not work at all, who  
have been kicking.

Q. Well, how do they get their living?

A. I am sorry to say you will have to tell me  
before I can tell you.

Q. Is it the general impression here that the mill  
is making money, or losing money?

A. That I could not tell you.

Q. Well, have you heard that the plant is losing  
money?

A. Yes.

Q. Have they ever made any effort to come to the  
office to find out if they have been losing money?

A. Not that I know of.

Q. You are satisfied that they could if they wanted  
to?

A. Well, whenever I have come to Nicholson with  
reference to anything I have always got what I wanted.

Q. How many men do you think are opposed to this  
saw mill, and the other things.

A. That I could not tell.

Mr. Ayer:

Q. Well, there are not a great many are there?— would  
it be 5% or perhaps 10%?

Chickeneey.

A. Yes, I think probably 10%.

Mr. Ayer: Q. Don't you think if those men would take the opportunity of coming and getting the information at this mill, and it was demonstrated that this mill was making money, that they would feel different about it?

Chickeney. A. I think they would; yes.

Q. Is the yard in good condition, as far as cleanliness is concerned?

A. Well, as far as I know, it is. Of course, business hasn't been very good and everything is piled up,- there are not many of what they call "outs."

Q. You are not familiar with the logging in the woods, are you?

A. No, I don't know what is going on there.

Q. Don't you think it would be a good plan, in the interests of your tribe, for two or three of you, who are satisfied and connected with the plant, to get two or three of the leading men in what we may call the "opposition" to come with you,- say the two merchants and you, and invite two or three men.- to come up here and get an exact statement of how much money this mill has made or lost in the last three years?

A. Why yes, indeed I do.

Mr. Ayer: Q. Well now, these books are kept, as I understand it, by government men under government employ. Every dollar of money that comes in is credited to the Government and every dollar paid out is charged to the Government. Now you can readily find out in this office whether you take in more money during the year than you expend, and if you can find that in the three years they have taken in more money than they have expended then you know exactly whether you are making money or not, and I would suggest that you do this. As a business man, I don't believe that any man would want to say that these books are fraudulently kept. So I think it would be a good scheme to get up a committee of that kind and come and find out, so you can tell your tribe exactly how things are. And I shall suggest that at the end of each year there be a little slip printed and given to each member of this tribe, telling them exactly what the outcome of this business has been, - whether it is a loss or a gain.

Chickeney: I think the reason the tribe are dissatisfied is that the annuity is decreasing every year.

Mr. Ayer. That I don't know anything about. Only I do know, from the books of this office, that there have been several hundred thousand dollars added to your credit in Washington in the last three years; so that it isn't true that this mill has decreased your annuity.



Chickeney. Well, that is the impression of the tribe,- that this mill is to blame for it.

Mr. Ayer: Q. Now, you know that if you sell your logs you have only three months' work a year and you are up against the great lumber companies here. Some of them have been robbing you from time immemorial. Now do you want to go back to that?

Chickeney. A. Why no.

Q. How many men of these agitators are there in the tribe who don't work, who still live and have money? You said you knew of two or this bunch here.

A. They are the only two I know of.

Q. Have they any income from property?

A. Not to my knowledge.

Q. They have their annuity,- \$60.00 a year, but they can't live on that, can they? Have they families?

A. Why, one has.

Q. And still he never works?

A. I don't know how it is, but he never works any.

Mr. Ayer. I am going to recommend that one or more young men be put through the College of Agriculture at Madison by the tribe, who will come back and be able to teach you how to raise the best cattle, pigs, horses,- everything the best type instead of the poorest.

Chickeney. Well, Mr. Ayer, I want to say this. No matter what they do at the mills here, or in the woods; no matter how the funds are, we must have something to eat, something to put on our back, and it depends, whether we go back to degradation or rise to the position of citizenship, on our knowledge and adaptability for agriculture; and I am thoroughly in accord with your recommendation in regard to starting us right.

July

Report of Mr. Edward B. Ayer's interview with Mr. FRANK S. GAUTHIER, at Menominee Indian Reservation, Neopit, Wisconsin, ~~August~~ <sup>September</sup> 29, 1913. Mr. Gauthier was accompanied by a party of six Indians.

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Mr. Gauthier presented, for Mr. Ayer's perusal, a copy of a report dated March 11, 1913, that he had presented to the Secretary of the Interior at Washington, on March 13th, 1913. Mr. Gauthier had gone to Washington at the request of his tribe, as their representative.

Mr. Ayer: Q. Do you still feel just the same as you did when this was written?

Gautier. A. Yes sir; if anything, worse.

Q. Have you been in the employ of the mill company here?

Yes; up to 1911, and then I was transferred over to headquarters.

Q. Are you still there?

A. No sir, I resigned there in September. I decided to make a fight and so I had to resign in order to make a fight..

Q. Well now, what is the principal thing you wanted to make a fight on?

A. On our superintendent, Mr. Nicholson. He is incompetent. And not only the superintendent, but his assistant, Mr. Marble, also.

Mr. Ayer then outlined to Mr. Gautier, and his party, the recommendations it was his intention to make to the Government; about having tribal cattle; about the allotment of farms and the division of the tribal funds to get them started; about sending a few bright young Indians to Madison agricultural college to learn scientific farming; about having the entire reservation surveyed by townships; about having matters presented by the Indians attended to at Washington without delay.

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Report of Mr. Edward B. Ayer's interview with Mr. JOHN KAKATOSH,  
at Menominee Indian Reservation, Neopit, Wisconsin, ~~August~~ 30, 1913.  
November

- Mr. Ayer: Q. Mr. Kakatosh, would you rather have the mill stopped and log the balance of this reservation by selling the logs? How do you feel about that?
- Kakatosh. A. Well now, I have worked around here quite a little, but it is pretty hard for me to know all that is going on here. Do you want to know what the Menominees want?
- Q. Why yes, I want to know about everything that is going on here, what's going on at the mill and what the Menominee wants. I want to see if we cannot do better and conserve your property. You don't work in the mill do you?
- A. No, I run camp in the woods, for the government. I run Camp 17.
- Q. Do you feel that these logs are being cut properly and handled economically, and as well as it is possible to do it?
- A. Well, we are trying to get the logs out as cheap as we can.
- Q. Why do the Indians want to have an attorney on this reservation? What do they want to do that the Government will not do?
- A. Well, I have heard a lot of fellows saying that the mill is not handled right, that there is a lot of miscuts.
- Q. Do they think any mill is cutting where there are not miscuts?
- A. I couldn't say. I have been brought up around the mills but I couldn't say how many miscuts there were.
- Q. You are a farmer, are you not?
- A. No; but I am going to start a little farm next year.
- Q. That's very fine.-- By the way, the Indians are doing better work these days, aren't they?
- A. Why yes; since they got the mill in they are getting more down to working. Now my two boys are working nearly the whole year steady and there are a lot of boys who work that way.
- Mr. Ayer: Q. Do you know anything about whether this mill is paying or not? Have you ever been told?
- Kakatosh. A. I heard a lot of them saying that the mill did not pay.
- Q. Where did they get their authority?
- A. Well I don't know, I just heard a lot of them say so.

Here Mr. Ayer explained that the mills had made a profit of \$444,000 during the past two years and that the Indians could get the facts in regard to the profits of the mill at any time, either from the Agent, or from Washington.

Mr. Kakatosh. I heard Mr. Nicholson say once that the boys could get the facts in Washington about what money the mill was making.

Mr. Ayer: Mr. Ayer, continuing, explained that in the past two years \$444,000 had been added to the tribal funds at Washington out of the profits of the mill; that the statement to this effect was absolutely reliable and that any statement that the mill was losing money was untrue. "The books of the reservation," he said, "are audited by Washington and are absolutely correct, and any Indian can come here and find out just what money the mill is making or losing, and if they then are not satisfied they can get the information from Washington."

Mr. Ayer: Q. Well now, have you any suggestions to make as to how the mill could be run better?

Mr. Kakatosh. A. No, I have not. I have worked in a good many mills and they are worked just the same, as far as I can see, as this mill here.

Q. Don't you think this entire reservation ought to be run out and examined and a report made on every township, of the character of the soil and what it will grow best, and get this information so as to know what you have here?

A. Why yes; some parts here are good land and some bad land.

Kakatosh. Well, of course I have heard a lot of talk, but I have been here since this plant started up and have all kinds of work,- shovelling driving piles, working on the river,- and I have had all the work I want.

Report of Mr. Edward E. Ayer's interview with Mr. MOSE TUCKER, at Menominee Indian Reservation, Neopit, Wisconsin, November 29, 1913.

- Mr. Ayer: Q. Have you been working for the mill?  
A. No; I could not support my family in that way.
- Tucker. Q. You have a family?  
A. Yes sir.
- Q. Have you a farm?  
A. Yes; I have 100 acres in fence and 65 under cultivation, and I bought another place at Keshena of 74 acres.
- Q. What do you raise?  
A. Corn, potatoes, oats, hay, beans.
- Q. Do they all grow successfully in this country,-- good crops?  
A. Sure.
- Q. Then you are making a comfortable living for your family on these farms?  
A. Yes.
- Q. Can you tell me something about the farming on this reservation?  
A. Well, I believe that this is very good farm land here.
- Q. Are you satisfied that the future of the Indians will be better the more they take to farming?  
A. Yes.
- Q. Have you good stock?  
A. Well, I have 3 Guernsey cows and one bull and three sows.
- Q. Do you think that if the Government made an effort to help, out of the funds, that you could get some of the younger men into farming?  
A. Yes; from my knowledge I believe that. I know my people are very easily led, and if you lead them in the right way they will go that way, and if you lead them in the wrong way they will go that way.

Mr. Ayer here advised Mr. Tucker that the Indians did not need any lawyers to handle their difficulties, that if they needed anything the Board of Indian Commissioners would do everything in their power to help them; that the Government was their friend and that there was no occasion to spend any money on lawyers.

- Tucker. Mr. Ayer, let me tell you that I am 48 years old, and I have always made an effort to develop myself in every way. Now whenever we make a complaint to the Department they will come right back to the Agent and the Agent will say, "Those parties are always making complaints," and consequently things get worse and worse.



Interview with Mr. Mose Tucker - page 2.

Mr. Ayer: Q. Then one of your main complaints against the Government is the great delays that occur in all your requests and correspondence?

Tucker. A. Yes.

Mr. Ayer brought the interview to a close after explaining that any of the Indians could get any desired information about the accounts of the mills and that there was absolutely no doubt but that the mills were making money and were doing very well.

Report of Mr. Edward E. Ayer's interview with Mr. SIMON BEAUPREY, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913.

Mr. Ayer:  
Beuprey.

Q. Are you working for the plant?

A. I was, two years ago, but I got discharged the 1st of July and I haven't done anything since. I was a forest ranger.

Q. Well, does that come under this mill department?

A. Yes sir.

Q. How much good farm land is there on the reservation, land that isn't too stony or too rough?

A. I should say about four townships, one-third of it. There are three townships on the other side of the Wolf River that isn't good farm land, but it will make good grazing.

Mr. Ayer explained that he intended to make recommendations about allotting farm lands, and about putting tribal cattle on the pasture lands.

Mr. Ayer:

Q. Have you any suggestions to make that you think would improve conditions here? You know, of course, that they have added some \$444,000 to your tribal funds at Washington, in the past two years?

Beauprey.

A. No sir, I don't think of any.

J. H. 21

Report of Mr. Edward E. Ayer's interview with Mr. GEORGE T. McCALL, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913.

Mr. Ayer:  
Mr. McCall.

Q. You are working for the Company, Mr. McCall?  
A. Yes sir; I work in the camps.

Q. Mr. McCall, have you cruised this reservation pretty well?

A. Not very much; I have been all through it but I have never made any special effort to find out what there is in it.

Q. They are estimated here all the way from a billion and three quarters to two billion.

A. I don't think there is that much,- you know fire destroyed a good part.

Q. Is there hay that could be cut for the cattle over on Wolf River, towards Oconto?

A. Yes, but over on the south-west side of the reservation there is hardly any hay to be cut.

Q. Is this logging work that you are doing satisfactory to you?

A. Yes; I am working in that burnt timber and I am picking up all that "down" stuff.

Q. How long has that been there?

A. It has been burnt three years.

Q. Nothing but the white pine is any good, of course?

A. Well, the hemlock is good, the hard part under the saps.

Q. What will they make?

A. No. 2 and No. 3. When we get 100 logs I realize about 40. We have to cut them all in order to find if they are any good or not.

Q. What do you think it would cost per thousand to log them and get them at the mill?

A. About \$7.00 I think.

Q. Is there much white pine there?

A. Yes.

Q. Well is the white pine any good.

A. Yes; you take this timber that has been laid down for many years, it is good because it is all clear timber, seasoned and all that.

Mr. Ayer:

Q. Don't you think it would be a good business proposition to have the timber on this reservation estimated?

Mr. McCall.

A. I have always thought that would be a good thing.

Mr. Ayer: Q. You don't think there is two billion,- do you think there is a billion and a half?

Mr. McCall. A. Yes, I think there might be that.

Q. How long do you think before they will be ready again to log that part the foresters are leaving?

A. It takes very long, I think fifty years.

Q. How high are they leaving them?

A. 10 and 12 inches.

Q. How much good farm land is there on this reservation, as far as you know?

A. Well, I believe there is all of about seven townships that is good farming land. Four are particularly good; three not so good, but they could be used.

*File*

Report of Mr. Edward E. Ayer's interview with Mr. PETER LAMOTTE, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913.

- Mr. Ayer: Q. How long have you been here, Mr. Lamotte?  
Mr. Lamotte. A. Three years.
- Q. Do you think the mill has been of great benefit to the tribe?  
A. Well, I think it is a benefit, but it doesn't make any money.
- Q. You mean a benefit insofar as it has furnished more employment?  
A. Yes, more employment; but the Indians don't get it. Before this plant was here the Indians had more work,- logging.
- Q. But they only logged three or four months a year.  
A. Yes; but after they would get through they used to work the farms, but now you have to go to work every day and you have nothing to farm with, and if you stop work for a week you are going to starve.
- Q. Now, you say the mill doesn't pay?  
A. It would pay if it was well taken care of.
- Q. But is the mill a good thing,- you said it didn't pay?  
A. It doesn't seem to be paying.
- Q. Have you ever asked to see the statement?  
A. Yes.
- Q. Well, that indicates that there have been some \$444,000 paid into Washington in the last two years, over and above everything.  
A. Well, then I must be mistaken.

Here Mr. Ayer explained in detail how the mill had been progressing, showing by a statement before him just what money they had been making on the reservation each year for some years past. Also explaining that the books were absolutely to be relied upon.

- Mr. Ayer: Q. Do you think we ought to make a recommendation to have a certain part of the funds turned over to individuals to make a farm?  
A. That's alright.
- Q. What do you think about sending five or six bright young men to the College of Agriculture at Madison to have them learn to be scientific farmers?  
A. That's alright, too.
- Q. Don't you think these lands all ought to be run out, showing what is on every township in this reservation?  
A. That would be another expense to the tribe.



Mr. Ayer here outlined to Mr. Lamotte his plan of recommending to the Government that a portion of the tribal money be used for allotting farms and getting them started.

Also his plan of recommending that say a thousand head of cattle be put on the reservation to eat up the pasture now going to waste, for the government, if necessary, to cut hay enough to carry the cattle through the winter.

Also of recommending that matters taken up by the tribe be accorded immediate attention.

Mr. Ayer:

Q. What proportion of the tribe is dissatisfied, do you think, with the plant here?

Lamotte.

A. Quite a few?

Q. 10%?

A. I think more than that. My opinion is this, that the Indian can log as good as the white men, or better. I think the mill should be leased and the timber sawed so much per thousand.

Shits

Report of Mr. Edward B. Ayer's interview with Mr. WYESKESIT, an old pagan Indian, at Menominee Indian Reservation, Neopit, Wisconsin, December 1, 1913. Mr. Wyekesit was accompanied by Mr. Thomas Prickett and Mr. Frank Gautier, the latter acting as interpreter.

Wyekesit: The reason why I come to see this gentleman is to tell him how the Menominees are in poor circumstances. You see this city here it looks nice and good. But where I live is the poorest settlement that there is on the reservation, - Zoza settlement, six miles away.

Mr. Ayer: Q. What is the nature of the land up there; is there any good farm land?

Wyekesit. A. Good land, timber land; but how am I going to use the farm?

Mr. Ayer: Q. I am going to recommend that the Government will advance money enough to those who want to farm to build a house and barn and get a team. Wont that help you?

Wyekesit. A. I want the views of this proposition placed before the tribe, and whatever action my people take then I will give my opinion.

Q. I want your individual opinion.

A. My opinion is that when a man comes here I like to have him go and be my witness to the poor conditions we are placed in up there. We are in such poor circumstances we have no lumber; some of my people up there have barn for their roofs. We have no money to buy this lumber up here.

Q. How do they live?

A. Go around and hunt and trap.

Q. Is there much game on the reservation?

A. There is, but there are some of us that are unable to hunt. We are old and sick.

Q. How old are you.

A. 72.

Wyekesit: That was why I went to the war, to fight for this country so that the white people that I helped would help me when I am poor.

Mr. Ayer: Q. How much pension do you get?

A. \$208.00 a year.

Q. How much annuity do you get a year?

A. In the beginning I got \$30.00 twice a year; but now the money is being used for other purposes; it is sunk here.

Mr. Ayer: In the past two years \$444,000 was deposited with the United States Government out of the profits of this plant. Isn't that good?

Wykesesit:

If this plant was a paying proposition would I be poor; would I be hungry. The white people you see here, they are the people who have good things to eat.

Mr. Ayer:

But over and above the entire expense of this plant for two years they have deposited \$444,000 in the tribal funds at Washington. The money in your funds at Washington now amount to about two million dollars. If this plant keeps on as it has for the last two years it will pay in a short time all the money that has been put into it.

Wykesesit:

Well, where is this money?

Mr. Ayer:

They are paying annuities out of it; if they should pay that all out at once the Indians would be poorer in a few years than now; there would be nothing to draw from.

Mr. Ayer here explained to Wyeskesit, through the interpreter, that while he had come specially for the purpose of examining conditions at the mills and in the woods, still in the meantime he would make strong recommendations and suggestions that he hoped would benefit the tribe.

Report of Mr. Edward E. Ayer's interview with Mr. CHARLES FRESCHETT,  
at Menominee Indian Reservation, Neopit, Wisconsin, November 30th,  
1913.

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Mr. Freschett was accompanied by Mr. Frank Gauthier, Mr. Mose Tucker and three other Indians.

Mr. Freschett presented a document which showed, as he understood it, that pine timber had been sold for \$57.00 in the log. Mr. Ayer explained that his understanding was incorrect, demonstrating that the timber referred to had been sold for \$70.00 per thousand on the stump.

The remainder of this meeting was taken up by a discussion as to the profits of the mill: Mr. Ayer showing how \$444,000 had been added to the tribal funds at Washington, from the profits of the mill during the past two years; the total amount of the funds at Washington, etc.

Report of Mr. Edward E. Ayer's interview with Mr. LOUIS OSHKANANIEW,  
at Menominee Indian Reservation, Neopit, Wisconsin, November 30th,  
1913.

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Mr. Ayer:  
Oshkananiew.

Q. Do you live around here?

A. I live away up on the north-east end of the reservation.

Mr. Ayer outlined his plan of recommending tribal cattle, asking if they had good hay up there.

Mr. Oshkananiew said this plan would work out well up where he lived.

Q. Are you a farmer?

A. Yes sir; I farm about enough to make my living. 19 acres. I raise potatoes and corn.

Q. Don't you think that every 40 or 80 acres on this reservation ought to be run out and estimated and the good grazing land, etc. all be found out?

A. Yes sir.



Report of Mr. Edward E. Ayer's interview with Mitchell Oshkananiew, at Menominee Indian Reservation, Neopit, Wisconsin, November 30th, 1913. Mr. Oshkananiew was accompanied by Mr. Joe Waupano.

Mr. Ayer:  
Oshkananiew.

Q. Are you working for the Company?

A. I was, up to January, 1912.

Q. Couldn't you continue?

A. Well, at that time I was working here as time-keeper for this mill. In December there had been a payment and the Indians got only \$5.00 per capita and they were not satisfied. Many of them did not have clothing on their back. Now many of them came to me and when I heard their pleas it touched my heart and I felt it was my duty to help my people. I went to Washington to make my complaint to the Commissioner as a delegate for my tribe. When I got down there we presented our complaint in writing. When I came back to my position soon afterwards I was told by the foreman that he had been instructed by Mr. Nicholson to keep the time himself.

Q. Then they must have found they could get along without you. Did you accomplish anything by going to Washington?

A. We got \$40.00 per capita.

Q. Don't you think you would have gotten this just as well without going to Washington?

A. I don't know, but that was our impression,-- that we got it because of my going there.

Q. How long was it before you got back and asked for your place again, after you left your employment to go to Washington?

A. It was not more than six weeks, from the time I left until the time I came back.

Q. What were you getting a month?

A. \$2.00 a day,-- \$52.00 a month.

Q. Well now, have you ever worked for the company since?

A. This Spring I made an application to Mr. Adams and he told me that when there was an opening he would let me know. I have been waiting but haven't got a place yet. Now, when I came back from Washington in the Spring there was a clerk that had been discharged and I made application for that, but I got a letter from Washington that Mr. Nicholson had not recommended me. So I couldn't get the place, although I made an effort.

Mr. Ayer:

Q. What would you suggest as a better way to handle this work?

Oshkananiew.

A. The Indians have been clamoring to log. When they did log they prospered, they had money in the Spring to buy cattle and corn, and they worked their farms more than they do now.

Q. Do you refer to the general body of Indians or just the contractors?

A. The whole tribe.

Q. Do you know how many Indians have worked here the whole year, on the average?

A. No.

Mr. Ayer: Q. Well I can tell you: about 270. Now would it be good business to let these contracts to Indians to log if the mill could do it cheaper by having their own foremen and working the Indians as laborers? Isn't it the truth that there are more Indians working now than ever?

Oshkananiew. A. Well yes, now they are picking things up around here, but there are not many in the woods.

Q. Yes, but I refer to the last year and they have been making money.

A. Well when they were logging they raised more farm products than they ever did before.

Q. Would you recommend that the mill be stopped and the logs sold?

A. No.

Q. Every Indian, man woman or child, can have access to these books whenever they want it, and you get statements showing the accounts of this mill. The government issues these statements and the books at the mill are immaculately right. The books are kept by the United States Government and audited by the United States Government. If any man should issue a false statement he would be sent immediately to the State's prison. If any man tells you that these books are not true he doesn't tell you the truth.

A. Now if they have so much money why are they starving the Indians?

Q. That isn't the fault of this mill. The Indian Agent here cannot spend a cent except by the order of the Indian Department. The Government is at fault.

Mr. Ayer: Q. Now you have been perfectly frank with me, but you haven't told me what Mr. Tirrell, the attorney, is here for. Don't you want to tell me?

Oshkananiew. A. Well, we are being mistreated. We want an attorney to speak for us. We cannot speak as well as an attorney. We want justice and we are not being treated right under the present way of doing things. We want out lawyer to get justice for us and we will keep him and pay him until we get justice.

Mr. Ayer answered that in his judgement the right was to handle their grievances was to take them up with Washington, not to give their money to the attorneys.

Copy of a letter dated Neopit, Wisconsin, December 3, 1913, from Mr. MITCHELL OSHEKANIEW, of the Menominee Indian Tribe, to Mr. EDWARD E. AYER, Chicago.

Hon. Edward E. Ayer,  
Railway Exchange Building,  
Chicago, Illinois.

Neopit, Wis. Dec. 3, 1913.

Dear Sir:

I wish to write to you in connection with D. F. Tyrrell, an attorney whom you have met when you were here. You have had a long interview with him in the office at Neopit, and no doubt you may have formed your opinion of this man by the way he talked and his demeanor towards you.

I met this man three times during the past year. I saw him once before on the train in 1909 and that was the first time I ever met him. I did not know what kind of a man he was until yesterday.

He sent word to me at my home, in the afternoon, that he wanted to see me at the Hotel, where he was stopping, at Neopit. I went there and when I entered the house I saw several Indians sitting in the room and he was the central figure.

He then told me certain things which indicated that he was displeased because he had been informed that I was working against him.

I did not like the way he talked to me in presence of the Indians, so I asked him for a private interview. We then went into a room by ourselves and I asked him for an explanation and it only resulted in a quarrel between I and him. He told me what he thought of me and I did the same.

On the morning of December 2d I was at the same hotel where Tyrrell was stopping. Two Indians were getting ready to go in the woods to look over the timber, and before they went Tyrrell was giving them instructions what to do there.

I find that many of the Indians actually believe Tyrrell is a great lawyer and that he can accomplish much good for the Menominee Indians. Thomas Prickett, an adopted member of the Menominees, has been working hard to create such a feeling among the members of the tribe.

Tyrrell is very active at present, evidently for the purpose of getting the good will of the tribe. I understand he is trying to get a contract from the Menominee Indians to employ him as their attorney, at an annual salary of \$4000 per annum.

Members of the tribe told me that in compliance with Tyrrell's request they had collected \$150 in cash for him, a short time ago, before he went to Washington, D. C. After

Letter from Mr. Mitchell Oshkenaniew - page 2.

his interview with you in the office at Neopit, Monday morning, December 1, 1913, the Indians said that Tyrrell told one of them that he had convinced you that he was right. When this news went around the Indians felt glad. And as a result, I hear, the Indians are going to collect some more money to sent Tyrrell again to Washington, D. C.

I do not desire to say anything against any other attorney who may be associated with him along this line, but as regards Tyrrell, it is my impression now, that he is not the right kind of a person to have anything to do with the Menominee Indians, and his connection with them ought to be severed at once for the good of the tribe.

Yours truly,

Mitchell Oshkenaniew.

*From Nicholson*  
25B *Regarding Oshkenaniew*

Copy of letter from Mr. A. S. NICHOLSON, Supt. Menominee Indian Mills, to Mr. Edward E. Ayer, dated Neopit, Wisconsin, December 4th, 1913.

Hon. Edward E. Ayer,  
Chicago, Illinois.

December 4, 1913.

Dear Mr. Ayer:

For your information, last evening, December 2d, about six P.M. Mitchell Oshkenaniew came to my house and desired an interview, which I gave. His story was about as follows:

He and Mr. Tyrrell had a quarrel. It seems Oshkenaniew, who is head and front of stirring up present trouble, spoke disparagingly of Mr. Tyrrell's ability on the showing he made. Tyrrell accused him of working against him and of commencing to stir up feeling against his securing a contract with the tribe. Hot words passed. A division ensued between the Indians, with much feeling for and against. In course of his remarks Oshkenaniew said that Louis LaFrombois had mortgaged his house in Marinette for \$200.00 which money was sent to a Mr. Ballinger, an attorney in Washington, to secure his interest in having an investigation made. He intimated that in the mean time efforts were to be made here to create feeling and get up any evidence they could. Mr. Ballinger is connected with Mr. Tyrrell.

Last night, and for several nights, meetings were held to take up a collection to pay Mr. Tyrrell; about \$150.00 was collected and Oshkenaniew says paid to this man.

He says also that Tyrrell was trying to get a contract with the tribe, \$4000 yearly and double that amount if successful. I told Oshkenaniew plainly that he came to me too late, that I had known for some time the interests that lay behind the attacks and the purpose desired. That I was not interested in his statement if he had any to make, and was undergoing any change of heart, he could write to you, and I gave him your address. "Where rogues fall out just men get their dues."

I could have showed you wherein every man connected with these complaints have been caught by me in crooked transactions and been disciplined. Yes, even jobs put up by them in hope that employes here would fall. That is the hopes of these kind, that they can get rid of anyone who will not work their way. If I were to start at the head of the list, I could go down the line and find each one an utterly unprincipled character, who has been caught redhanded and the evidence in the office.

Pardon me for bothering you, but I thought you might like to know of this development.

Sincerely yours,

A. S. Nicholson,  
Superintendent.

P. S.

An example of the pity of this whole thing and



Letter from A. S. Nicholson, Dec. 4, 1913 - page 2.

how it rebounds against the interest of the Indian in actual money loss, wages and all considered.

Mr. LaFrombois who paid the above mentioned money has just been to the office and asked to have no deduction for house payment, supplies, etc. taken from his wages this month as he says a child is very ill and he wants to use money to consult specialist outside. He had but very little wages coming, due to fact that he was not working but spending his time running around.

Such situations as this are always the case, the poor Indian is induced to part with his money on any pretext, then when the emergency arrives he has nothing.

Sincerely yours,

A. S. N.

Superintendent.

25C - Oshkenaniew

Correspondence between Mr. Edward E. Ayer and Mr. Mitchell Oshkenaniew, regarding the law firm of Tyrrell and Ballinger.

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Neopit, Wisc. Jan. 7, 1914.

Hon. Edward E. Ayer,  
Chicago, Illinois.

Dear Sir:

One of my friends told me, a short time ago, that he asked Thomas Prickett how Tyrrell was getting along at Washington and that Prickett told him that Mr. Tyrrell stood very high above all others in Washington, D. C.

And yesterday I had talk with another member of the tribe who stands close to Prickett. I asked him what promises Tyrrell was making to the Indians, as to what he could do for them, and he told me that Tyrrell was trying to get annuities for the Menominees and that he was also endeavoring to have an investigation made of Neopit affairs. That last Friday or Saturday Louis LaFrombois received a letter from Mr. Tyrrell stating that the Assistant Commissioner was favoring him. That the Commissioner of Indian Affairs was out west at present and that when he returned he was going to take up Menominee matters, that he was coming here to make an investigation. That it made no difference what Mr. Ayer or anybody else reported, that the Commissioner of Indian Affairs was going to make the investigation in person and that he was going to the bottom of the whole business.

Yours truly,

Mitchell Oshkenaniew.

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Neopit, Wis. Jan. 7, 1914.

Hon. Edward E. Ayer,  
Chicago, Ill.

Dear Sir:

In addition to what I wrote to you this day I will say that during the month of September last Mr. Webster Ballinger wrote a letter in which he stated that the "Total loss to the tribe during 5 years' operations, approximately \$1,429,426.43."

Yours truly,

Mitchell Oshkenaniew.

Correspondence with Mr. Oshkenaniew - 2

Chicago. January 8, 1914.

Mr. Mitchell Oshkenaniew,  
Neopit, Wisconsin.

Dear Sir:

I have your letters and contents noted. Will you kindly let me know who Mr. Webster Ballinger wrote the letter to, mentioned in yours of January 7th?

Yours very truly,

Edward E. Ayer.

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Neopit, Wis. January 13, 1914.

Hon. Edward E. Ayer,  
Chicago, Ill.

Dear Sir:

Mr. Ballinger wrote the letter to me.

Yours truly,

Mitchell Oshkenaniew.

Report of Mr. Edward E. Ayer's conversation with Mr. D. F. Tyrrell, attorney, of Gillette, Wisconsin, December 24th, 1913, in Mr. Ayer's Chicago office, in regard to the affairs of the Menominee Indian Reservation.

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Mr. Tyrrell:

Mr. Ayer, during the course of the last conversation which I had with you while at Neopit and just before you left, you referred to the critical condition of the Menominee Tribe due to the great dissatisfaction and the feeling of unrest which prevails throughout the Reservation. If I remember right you referred to the condition of the tribe as being dangerous. You also made the statement that you felt that I had a great influence with the tribe and that, owing to that influence, I was the proper person to quiet this feeling of dissatisfaction and unrest, that I should inform the members of the tribe that conditions were all right on the reservation, that the tribe was making money and urge the members to turn their attention to agriculture.

I answered you, at that time, that I did not consider the conditions on the reservation all right, that I did not consider the tribe was making money but on the contrary losing money, that I did not consider it advisable to urge the members of the tribe to go to farming until the conditions existing on the reservation had been corrected and means provided whereby they would be able to support themselves while clearing their farms and to build the necessary buildings and provide stock and farm machinery, and that, even if the necessary means were provided at this time, the move would not be successful so long as the tribe felt that tribal property and funds were being wasted through the operations at Neopit and that, as an honest man and an attorney, I could not look the members of the tribe in the face were I to advise them to lay down before the rights, for which they were striving, had been attained.

Your reference to the influence which you felt I had with the tribe, coupled with the fact that I realized as you did the gravity of the situation existing on the reservation and the further fact that I felt I had, in a large measure, the confidence of the tribe, and that they were depending upon me, locally, to safe-guard their interests and advise them honestly and fearlessly, placed upon me, Mr. Ayer, a responsibility which I carried from your presence and which I felt was paramount to any personal interest which I might have in the premises.

I felt then, as I do now, that the great dissatisfaction existing throughout the reservation must be checked and wiped out at once or great injury and suffering would result, not only to the tribe but also to the individual members thereof.

Moved by these considerations, I took up the matter with some of the leaders as well as other members of the tribe.

The result was that we arrived at the conclusion that this discontent and dissatisfaction would remain unless the conditions and circumstances which brought it about were eliminated.

We also arrived at the conclusion that there was but one of two ways by which the existing conditions could be eliminated.

First. By a thorough investigation of all tribal matters. It was suggested, however, that this investigation would undoubtedly prolong this feeling of dissatisfaction and unrest for a considerable time, as it would simply lay the foundation for the remedial measures, which would, of necessity, have to be taken in order to change the conditions existing and which would, of course, take time.

Second. By allowing the tribe to employ attorneys through whom and by whom the conditions prevailing upon the reservation could be made known to the Department and the proper remedies applied by the Department, and by allowing the tribe, through their attorneys, to sue for the loss which it has sustained through the operations at Neopit and by the Department taking the tribe into its confidence to the extent of listening to and investigating any recommendations that the tribe might make with reference to the men placed over them.

It was felt that, if this last course be taken, it would ultimately attain all the results of an investigation but with this in its favor, that it would quickly allow this excitement and dissatisfaction as the members of the tribe would feel that their rights were being safe-guarded and that gradually and in an orderly manner the conditions to which they are subject would be righted.

The conclusion was also reached that, unless this last course was adopted, the only other course was an immediate and thorough investigation of tribal affairs.

Mr. Ayer: Q. Who are the "leaders of the tribe?" Give me their names.

Mr. Tyrrell: A. There are a great many - I could not give you all the names. There is Lewis LaFrambois, Tom Prickett, Adolph Amour, Tom LaBell, Joe Longley, Joe Wabeno, Paul Tebeau, Sam LaFrambois, Frank Gauthier, Mose Tucker, Simon Beauprey, George McCall, Joe Law, Paywaukee, Weeskesit and many others whom I have not space to mention but who enjoy in an equal measure the confidence of the tribe.

Mr. Ayer: Q. What is the nature of these claims that the Indians have got: do they want to collect for what was lost before the mill was started, by the wind break and that sort of thing?



Mr. Tyrrell: A. We have put that out very fully in our application to the Department. That is, the operations at Neopit have entailed a loss of over \$1,000,000, including the loss entailed by the blow down and from the lumber operations since the building of the mill.

And then there is a bill pending before the Department for the enrollment of a large number of half bloods, and the members of the tribe desire every man to become enrolled who can show a legitimate right to be there, but not otherwise, and they wish to be protected against those who have no right.

Then there is the claim which the tribe has against the government and the Stookbridge Indians for the timber cut on what is known as the "Two Mile Strip" as well as many claims growing out of tribal treaties.

Mr. Ayer: Q. What do you think about the recommendation I am going to make, that the Indians take up farms? Don't you think it is a good one?

Mr. Tyrrell: A. I believe that, applying to a large number of the Indians on the Reservation, it is the ultimate solution of their social welfare. I am also convinced, as I have stated before, that I do not consider it advisable for the Indians to undertake farming on the scale contemplated by you, until the conditions now existing on the Reservation are remedied and also help extended to them. I firmly believe that if the existing conditions are met as I have suggested, a number of the Indians would select their farms and begin next Spring, providing, of course, that some method was devised by which they could get help.

Mr. Ayer: Q. Have you taken this up with the Department?

Mr. Tyrrell: A. No. That would really be a matter that would be outside the scope of our employment, although, it could, if desired, be made so; that is, to make suggestions etc. as to the methods by which help could be extended to those farming.

Mr. Tyrrell: If you feel that you can recommend that the tribe be allowed to employ its counsel and allow them to work out a solution with the Department of the conditions existing, which would relieve the intense feeling among the tribe, and also recommend that the Department as much as possible take the tribe into its confidence and pay attention to and investigate the recommendations which the tribe might consider proper to bring to the attention of the Department, with reference to its employes, I feel that a good step would be taken.

Mr. Ayer: Q. Well now, the matter of expense is a very important one. Now, what would the expense be?

Mr. Tyrrell: A. Our contract provides for \$8,000 a year for Mr. Ballinger and myself. We contemplate a local man near the tribe and Mr. Ballinger in Washington to attend to matters there, we jointly to handle the litigation of the tribe.

Mr. Ayer: Q. Well of course you would be the local man?

Mr. Tyrrell: A. Yes; I would be the local man. I feel that, while I have their confidence, I have no "cinch" on the tribe. They are at liberty to hire anyone they please.

Mr. Ayer: Q. When I was at Neopit you said you had never received one cent of compensation.

Mr. Tyrrell: A. Up to date I have never received one cent of compensation. About three and a half weeks ago I received \$125.00 which has not been sufficient to meet my expenses to Washington, and since that time.

Mr. Ayer: Q. That came from the tribe?

Mr. Tyrrell: A. Yes. At the present time I am guaranteeing my expenses myself, and if they are not paid by the tribe I have to foot them myself. The tribe is under no legal obligations to me for any services I have rendered them to date, but the conditions there have been and are so urgent that they require immediate attention, so much so that I could not allow the lack of money on the part of the tribe to keep me from doing what I could to see that justice is done them. Mr. Ayer, I don't know whether your attention was called to the condition of the Pagan Indians or not?

Mr. Ayer: A. No, I didn't have the time to look into that.

Mr. Tyrrell: A. At Mr. Wyeskesit's request I visited several families of Pagan Indians. I was able to endure but three families: their condition was so pitiful and demanded so much relief that I simply turned sick and I could not continue visiting the remaining families there.

Mr. Ayer: Q. You are perfectly satisfied that every opportunity was given you at the plant to present your case, under the circumstances?

Mr. Tyrrell: A. No. I cannot say that, from the fact that I could have kept your men there at least two weeks.

Mr. Ayer: Q. That would not have been consistent.

Mr. Tyrrell: A. But when you consider that the conditions to which we called attention are practically the prevailing conditions over the entire area of operation, you can see that we could cover but a small fraction in the few hours that we were out. I must say that I do not consider that "every opportunity" was given me to present our side of the case. Far from it, Mr. Ayer.

Mr. Tyrrell: Q. What would be your position in this matter, if I may ask?

Mr. Ayer. A. I would not recommend any attorney or attorneys, because it would be a division of authority, there would be two different interests that the Indians could go to. Every time an Indian was discharged, or anything else, he would come to his attorney and that would mean a report to Washington and the Superintendent would make another; and it seems that in any business the more divided authority you have the more you are liable to fail.

Now, if the United States can have a man that is taking care of 40,000,000 feet of lumber a year practically, cutting, sawing and selling, and then have charge of 1700 people, sick, lame and lazy, and all for \$3500.00; I certainly would not recommend that they pay lawyers \$8,000 a year for presenting the ordinary business of the tribe which the Government is under obligations, through their Indian Department and special agents to attend to themselves. I would not recommend anything of that kind.

Mr. Tyrrell: As far as the "division of authority" is concerned, I don't believe there is any contract that contemplates any division of authority and there certainly would not be any.

Mr. Ayer. Yet you say that you would present their grievances, etc. If you had the power and right to go in on the reservation and listen to the complaints of those who had a grievance. The Government has their agent there for that purpose and I don't believe the Government has any right to permit the Indians to spend any money for attorneys. If there are individuals that want to employ attorneys and they have money to pay for them, all well and good.

Mr. Tyrrell: Now, if you knew the number of cases I have had to attend to which demand attention ---

Mr. Ayer. You mean in this tribe? Then in that case you have been doing part of the duties of the Indian Agent of course.

Mr. Tyrrell: No, not at all. These are matters which the Government should have attended to, but which the Government never has and I don't believe the Government ever will.

Mr. Ayer. Am I to consider then, that you haven't any faith in the Government ever settling these claims?

Mr. Tyrrell: I have absolute faith in the present officials at Washington, connected with the Indian Department. But I don't believe that it is possible for the Indian Department, through its local department, to obtain for the Indians that full measure of justice which an attorney, who is employed for the tribe and paid out of tribal funds would secure.

Mr. Tyrrell: In connection with this "blow down" in the logging district, some of the members have approached me and stated that they felt the tribe would desire the settlement of these claims, with the exception of that of Cook, upon the basis of what was actually due the

contractors at the time of the closing of operations, with a reasonable per cent interest, providing we as their attorneys would stand between them and the suing contractors.

Mr. Ayer: You think they would save money by having you do that?

Mr. Tyrrell: Now understand, Mr. Cook, outside of his own claim, has claims, I have been informed, aggregating in the neighborhood of \$100,000 if not \$130,000 - I don't know. I believe those claims could be settled for an amount in the neighborhood of \$25,000 to \$30,000, or in other words, for the amounts due the contractors at the time of the closing down of operations with a reasonable per cent interest. Understand, I am not referring to Mr. Cook's personal claim in this connection or at any time with reference to these claims, but simply to those claims which, I have been informed, Mr. Cook has taken to collect for certain other contractors, including a number of Indians.

Mr. Ayer: There were certain deductions made by Mr. Brannin from all the claims, the reasonable cost for running the logs, as they never were run. Then, in addition to that there was penalties for cutting green timber, etc. which he docked them for too. Now, isn't it a fact that the Government has considered these deductions and if anything ever is paid out it goes to a few white men. How do you save money for the tribe in that way?

Mr. Tyrrell: Mr. Cook's claims call for not only the amount actually due, including those deductions, but also claims for damages for breach of contract etc. which bring it up from \$25,000 to \$100,000 and over. Now if it is considered that these claims are proper to be paid it means that the sum of \$100,000 will come out of the tribal funds. Now if the tribe is allowed their attorneys and they can settle for \$25,000 they are saving the difference between \$25,000 and \$100,000.

Mr. Ayer: I see. The Government claim that they don't owe anything. Now, these men who have \$100,000 damages etc. you think you could get off?

Mr. Tyrrell: These Indians who have contracts and who have certain amounts coming on those contracts and which have been held back have stated to me that they thought the tribe would be willing to vote for settlement on the basis of what they claim was actually due, with a reasonable per cent of interest, providing we represented the tribe to see that these conditions were brought about which I have just outlined.

Mr. Ayer: Isn't it a fact that the Indian Department and the Government claim that they don't owe these claims? Isn't it a fact that if they paid any money on those claims of any name or nature it would only go the few loggers who have these claims and would come out of the funds of the Menominee Indians?

Mr. Tyrrell: The position I take is that the Government will have to pay every dollar due on these contracts. Certainly it has got to come out of the tribal funds, but they would be willing to pay this because there was a chance that they would have to pay more if they went to law.

Conversation with Mr. Tyrrell - page 7.

Mr. Ayer: Mr. Tyrrell; your coming here to discuss these things with me is perfectly proper.  
Mr. Tyrrell. I take it so.  
Mr. Ayer: And it is just as proper for me to disagree with you.  
Mr. Tyrrell: Absolutely.-- Mr. Ayer, I have given this matter a great deal of time and attention, through the fact that I feel that these conditions must be done away with, the tribe must be quieted and as many as can must be taught farming.  
Mr. Ayer. Yes, that is one of the first things I took up with them.

Respectfully submitted.



27 Sept to Ballinger 27

Copy of Mr. D. F. Tyrrell's letter to Webster Ballinger, Washington, D.C. which was forwarded to Mr. Ayer by Mr. Sells with letter dated December 4th, 1913.

( C o p y )

Law Office Of

D.F.Tyrrell

Gillette, Wis. Nov. 24, 1913.

Webster Ballinger,

Washington, D. C.

My dear Ballinger:

Have just returned from Shawano where I met a number of Menominee Indians. They inform me that for some time now the officials have been cleaning up around the mill yard and in the woods.

In the yard they have been cleaning up and piling all pieces of lumber that they had allowed to be scattered around and have covered up other lumber with refuse and ground up wood from the "hog" in order to get it out of sight.

In the woods they have commenced to dary in the logs that they had left to spoil and to deck up other logs that they cannot dray in now.

In other words, they are "licking up" for some reason and to my mind it looks as though it was in contemplation of a "visitor."

The Indians tell me that this cleaning up had never been done before, so it looks as though something has been "tipped off" to the officials here. This is an additional reason why I should be allowed to point out these things.

This information should be brought to the attention of Mr. Sells at once so that he will know just what the conditions are here. I am writing this at 11:00 p.m. at night so that it will go on early morning train and reach you as early as possible. One Indian informed me that he had been discharged because he had objected to their covering up a large number of pieces of two inch hemlock plank.

Be sure to bring this matter to the attention of Commissioner Sells without delay.

Yours in haste,  
(Signed) D. F. Tyrrell.

My dear Mr. Ayer:

Herewith find copy of a letter which may be of interest to you. The letter has just reached me and I am sending same to you at my first opportunity, that you may have the benefit of its contents. Sincerely yours,

Gato Sells,

Commissioner.

Hon. E. E. Ayer,  
Care Menominee Mills.

*Noted Dec. 4, 1913.*

27 A Tyrrell

Copy of Mr. D. F. Tyrrell's letter to Mr. Ayer, dated January 27, 1914.

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Law Office of D. F. Tyrrell

Mr. Edward B. Ayer?

Gillett, Wis., January 27, 1914.

Chicago, Ill.

Dear Sir:

In looking over my correspondence I find that a letter from you, containing the following inquiry, is unanswered.

"You mentioned several times, at Neopit, that you thought there was plenty of Indians there perfectly capable of running logging camps and to take almost any position around the plant, or in the woods. Would you be kind enough to give me the name of those you think would be capable of that kind of work? I certainly agree with you that wherever possible such such Indians should be worked in as good places as they can fill."

With reference to your inquiry, I desire to reiterate that there are plenty of Indians perfectly capable of running logging camps and of filling many positions now held by white men on the reservation. I would not attempt to name these men for they are well known to Superintendent Nicholson and you could very easily have ascertained the truth of my statement by a little inquiry while upon the reservation.

Very truly,

D. F. Tyrrell.

Report of Mr. Edward E. Ayer's interview with Mrs. Myrtle W. Marble, Field Matron, Keshena Indian School, Keshena, Wisconsin, regarding her work on the Menominee Reservation.

Mr. Ayer: Q. How long have you been in the work and do you notice any improvement following your labors?

Mrs. Marble. A. Approximately six months on this reservation. Much of my time has been consumed in getting thoroughly acquainted with the Indians - especially the women - acquiring their good will and confidence, and learning of the actual conditions in the homes. I have found but two women openly hostile toward me on my first visit, but these have been won over and now welcome me into their homes. One of these so far forgot her antagonism as to respond within to come and see me when she came to the agency. Both are among my very best friends on the reservation. The women generally have taken kindly to my suggestions and it is a daily occurrence to have them call on me for advice or assistance during sickness, trouble, domestic or otherwise.

Mr. Ayer: Q. How many homes do you try to visit?

Mrs. Marble. A. About one hundred within a radius of eight miles of Keshena, the agency, and my home. Occasionally I make trips into more remote sections, but not regularly.

Q. What percentage of these Indians are Pagans?

A. Probably two hundred or thereabouts in the entire tribe, but less than half of these are in my immediate vicinity. While not so ready to understand and profit by the instruction given, the Pagans are fully as friendly, welcoming and expressing appreciation of whatever kindness shown them.

Q. How often do you drive out into the reservation?

A. Every day, unless the weather is extremely bad, with the exception of Saturdays and court and council days, I try to drive to some home. Sometimes this is not possible owing to the fact that I have no team for my exclusive use. When no team is available I walk to the homes at and near Keshena, making periodical trips to the Menominee hospital. Saturdays and stormy days I devote to keeping up a record of my work and answering the demands of the older people who come every alternate Saturday - ration day.

Q. What do you teach?

A. Everything which I think will aid them in making their homes better and more healthful. I touch on ventilation, sanitation, disposal of garbage, cleaning yards, screening windows and doors, cooking, nursing, and cleanliness of person and house. I urge the women to be more systematic in their work - although there are many very good housekeepers among the Menominee women - and encourage them in the practice of their native arts - basketry, buckskin and bead work, rug making, etc. and endeavor, so far as possible, to find them customers for their finished products. In this connection I am contemplating the establishment

of a sort of small exchange where those who wish can exhibit their handiwork, with prices displayed, and thus procure customers which would not be possible if the work were kept at their homes until called for.

Mr. Ayer:  
Mrs. Marble.

Q. What do you do for the children?

A. First of all, if health and age permits, I seek to get them into school, if they are not already regularly attending. In case parent or child objects, I try to overcome their objection by showing the benefits of education. Failing in this, the matter is reported to the office at Keshena, with all the facts obtainable and the task of getting the child into school - or hospital if health requires - is taken off my hands. I have found few cases, however, where the parents were unwilling to listen to reason, and a friendly feeling exists toward all schools.

Q. What action do you take when you discover contagious or infectious diseases?

A. In cases of grown persons the matter is reported to the agency physician, who calls immediately if not already familiar with the case. Where children are concerned, they are induced if possible to go at once to the hospital where examination is made for tubercular symptoms with a view to getting the incipient cases into sanatoriums, for systematic treatment. Where trachoma and other diseases are found the agency physician handles the case. I have personally conducted a class of six tubercular pupils to the sanitorium at Fort Lapwai, Idaho, and the reports brought back from that institution make other parents more ready to send their children away from this damp climate for treatment.

Q. What do you do for the cases which remain at home?

A. Give all possible instruction and care to prevent the communication of the disease to other members of the family. Urge other occupants to stop indiscriminate expectoration, the use of suitable sputum receptacles and the burning of the same, the extermination of the bed bug as one means of preventing the spread of disease. I have personally applied and distributed considerable quantities of bed bug exterminator and found much satisfaction followed its use.

Q. So far as you have gone, what do you consider the greatest need in the homes?

A. I would say that the installation of screens on doors and windows, if properly used, would accomplish the greatest good to the greatest number. I find it impossible, however, to secure this simple improvement, especially among the aged and infirm Indians, for the reason that they have no means of purchasing the necessary material and are unable to do the work personally. Outside a little output of bead and other handwork, these people have no means of earning money, and such annuities as they may receive are required for their subsistence.

I shall suggest to the office that a special effort

be made to issue the necessary lumber and wire screen to these people who are unable to buy, when in the judgment of the superintendent, physician or field matron, proper use will be made of such materials. These are sufficient tribal funds to take care of matters of this kind and the aged and infirm ones are to receive little benefit from this fund unless a portion of it is expended for such protection to health as herein indicated. Many of the most needy and deserving ones - especially among the full bloods - will not make their own wants known and too often their necessities remain unsatisfied until those in authority accidentally discover conditions and apply relief.

Mr. Ayer:  
Mrs. Marble.

Q. As a tribe what do these people need?

A. To be taught to live together more harmoniously and with less of jealousies and fault-finding among themselves. They are, as a people, quite good to their children and to the children of others, but slow in helping each other in sickness and need. Very often they are willing, but lack leadership, therefore do little. I have made especially effort along this line and ~~it~~ have found many of the people quite ready to assist as soon as they understand what to do. The tribe also needs some good wholesome instruction on the marriage relation, which is not held in as high esteem as it should be, although from reports conditions are much better than formerly. The parents also often permit their children to marry at a very early age and the sending of the larger girls away to non-reservation schools seems to be absolutely necessary to prevent their marriage before womanhood is reached.

Q. What do you think of the establishment of a girl's cottage home, where every-day housekeeping could be taught in a general way.

A. This is an idea I have already proposed to the agent. In the average government or mission school, where girls are taught to work with modern equipment in all departments, they complete their education and leave absolutely without knowledge of the things actually required in the homes to which they are most likely to be called. Of what benefit is it for a girl to know how to operate a bread-making machine or a steam mangle, when she is confronted at home by the simple bread pan and the rusty flatiron?

I am not disparaging the usual method of education, but think the average Indian girl would be able to do more toward civilizing her people if she were taught to make the best possible use of the appliances and furniture at hand in the average home, rather than to pursue the higher education when it will not be required later. It is impossible to make farmers out of all the Indians; so it is difficult to make finished domestic science graduates out of all the girls.



## 29 Nicholson's report



Report of Mr. Edward M. Ayer's correspondence with Mr. A. S. Nicholson, Superintendent of the Menominee Indian Mills, at Neopit, Wisconsin, arranged in the form of questions by Mr. Ayer and answers by Mr. Nicholson, dated between the 3d and 16th of December, 1913.

Q. You are the Manager and Agent of the Menominee Indian Reservation, are you not?

A. I am Superintendent of the Menominee Indian Reservation in general charge of Indians, Schools and the Neopit Lumber Operation. Subject to the instructions of the Commissioner of Indian Affairs, Washington, D. C.

Q. I find a good deal of complaint about your management here, by a portion of your charge. In a general way please tell me why these men that are dissatisfied are not at work.

A. The complaint on part of certain Indians against my management is not a fair one. The sentiment shown is purely manufactured, based on no reasonable shadow of substance. It is purely the effort of the dissatisfied and those whom have been compelled to discipline in my capacity as administrator of law and regulation, and teacher. It is simply the effort of the few unprincipled faction leaders. Seizing upon every pretext, twisting everything that will suit their purpose, manufacturing false evidence, preaching waste of Indian money, not born out by the record. Distorting every conceivable kind of thing to gain their ends in order to influence and poison the minds of their simpler, fellow Indian. It is openly charged I spend the Indian money as I see fit, while as a matter of fact I cannot spend one cent without previous authority of the office for which purpose and strong justification must be shown and account by sworn voucher in turn for every cent for which I am bonded to the Government for \$100,000.00.

To understand better, the Indians are told on failure or delay in payment of annuity that their money is all gone, that I spent it. As a matter of fact their interest money amounts to about \$80,000 yearly, which, under the law, the Secretary of the Interior alone is authorized to expend for the best interests of the Indian. The expenses of agency and government schools is about \$50,000 per annum. This includes salaries, supplies, rations and clothing, support of hospital and employees, Road improvement and such general expenses as repairs, etc. The Indian gets considerable part of this in shape of wages. There is \$18,000.00 expended on contract Mission school facilities. The Secretary is authorized, if he sees fit, to distribute the balance in shape of annuity. They received such only for past 6 years out of accumulated interest at rate of \$20.00 per head, men, women and children. The tribe first logged in 1800. It took them 30 years to roll up the sum of little over two million dollars. One million dollars is invested in this town and plant as a combined Educational and business proposition. When I came here the Tribe had in the Menominee Log Fund June 30, 1910, \$1,996,558.82. I took hold October 1st, 1910, taking place of former manager. Each year since has seen progress. The first year was a stupendous task on part of every one to shut out loss. Remember I had to sell a product manufactured before I took hold, costing more than it would bring in market. Notwithstanding

this the figures of the books of the Treasury Department, Washington, D.C. show this fund to have on date of June 30, 1913, reached \$1,737,650.67, a net result benefiting the tribe of \$440,921.88; at this rate their original fund will be duplicated under ten years.

Copies of the official letter showing these figures were placed in the hands of the tribe and the perfectly unscrupulous persons interested immediately preached to the Indians that figures were not true, that books were doctored, etc. Every appeal to passion, prejudice, argument is used in secret to acquire following. It is pointed out that whites have all the good jobs and Indians all the poorer ones. They are told they are competent to perform the work, etc. In addition to this certain powerful interests outside who have always been opposed to this plant add fuel to the flame by misrepresentation to the Indians, having, I am almost certain Indians here in their employ. Again, there is the liquor and traders' interests whom I have to combat, punish in first instance, and discountenance Indians going into debt in second case. They preach against the Agent in charge, saying he is the one responsible for lack of money to spend. How powerful the Indian takes this can be easily seen when he goes in a store to get a line of credit. The records of the men interested are and have been records long before I took charge. In fact to curb them was one of the reasons I was sent out here. Without going back, let me give you a short record of a number who talked with you. Records in black and white of this office.

THOMAS PRICKETT. Part blood. Indian blood, very little. Member of tribe since 1911. No visible means of support yet dresses fairly well. Travels to and from town. Spends RR fare, pays hotel bills and gambles. Was on our pay roll prior to June, 1911, in capacity of warehouse helper. Has not worked since. This was right after he became member of tribe. Was insurance agent and collected- defaulted in making payments to company as per their letter on file and records showing payment by Indians to him and failure to remit the company causing cancellation and consequent loss to the Indian. Record of Indian Court shows borrowed money from Indian women, promising repayment and failed to do so. Record of Indian Tribal councils shows attempt at assaults on Indian women. Father of children not through marriage. Refused to live up to promise of marriage. Has never applied for work since, although opportunity always open.

FRANK S. GAUTHIER. Employed as Trespass Agent at \$900.00 per annum in 1910 performed no work. Removed. Employed as clerk Keshena Indian Agency \$720.00 per year. Stole liquor from vault placed there as evidences in liquor cases. Drunk many times. Warned, took pledge, violated it immediately. Guilt of secretly formulating charges, false, against employees whom he disliked because of having to report him. Dismissed. Employed as W.R. clerk. Duties, billing supplies and shipping. Careless, made many mistakes, which might have proved costly, resigned. Indicted by U.S. Grand Jury for introduction of liquor on the Reserve and only this summer trying to induce his own son and another boy just home from school to drink intoxicating liquors. Guilty of supplying liquor to other

Indians for past years - not working. No visible means of support. Dresses well; always has money. Travels much to outside towns, paying RR fare, hotel bills; even trips to Washington, Milwaukee, Ashland and other places.

MICHAEL CONKENANINE. Tribal resolution in record prohibiting him from ever representing the tribe in any capacity due to past misdeeds. Employed as a check time keeper on late men and those going out before time at Mill. Found not to be on post. Many mistakes made in time book of which he had control. Guilty of making charges against employes from manufactured evidence, known to be false. Does not pay debts. Left employ of mills of own accord, in February, 1912. Has not worked since. Lives and dresses well. Takes trips; apparently has money. No visible means of support. Known to be addicted to use of liquor. In beastly condition while on trip to Washington. Has drunk liquor since here on Reserve with other Indians. Perfectly unscrupulous. Secretly stirring up race prejudice at all times. Has not applied for work since until last month after a talk with me in reference to Indian Office letter to discipline him on account of failure to live up to contract.

CHARLES SHICKNEY. Employed as Forest Guard, \$720.00 yearly. Dismissed after many overlookings on account of drunkenness. Have letter in my file complimenting me in treatment of him. Employed now in yard as sub-foreman shipping. Careless in work. Has to be continually watched.

SIMON BEAUFREY. Employed \$720.00 yearly. Dismissed account habitual drunkenness. Supplying liquor to Indians. Guilty of failure to perform duty assigned. In case where he was to actually scale timber being shipped he copies from books of purchasers. Then spreading story of shortage in scale, charging collision of operation officials. Has not worked for some months. Evidently has plenty spending money as he goes about same as others.

SAM LAYRAMBOIS. Works fairly well when he finds congenial employment. This is usually when gasoline loaders are working. No sense of responsibility. Was in charge of loader only short time ago. Same was being moved. He forgot to have the guy line removed, result one man killed instantly. 2 three other lives endangered.

JON LONGLEY. Rarely on our pay rolls. Plenty of work for him. Lives well; no visible means of support. Guilty of drunkenness and introduction of liquor on the Reserve. Took a bark contract job a short time ago. Bark in woods found to be so piled as to have hollow spaces inside; as he was paid by cord evident intention to beat the scaler, which was done. Walks around criticising everything, but producer of nothing himself. Had a job on tie making. Utterly failed to live up to specifications. Had to cancel contract - lost money.

MONIE TUCKER. Farmer at Keshena. Taken jobs here in winter. Has logged. Loaded out bark on contract. Never yet has he come out even. Exercises no executive ability over work. Lets supplies go out of camp without

charge to his men.. Struggles in a way but likes the easy route. Somewhat inclined to follow prevailing sentiment rather than lead. Inclined to get into debt in spite of supervision. Does not like to be cautioned. May be considered as trying to better himself.

PAUL TERNAH. Mixed blood. New member of tribe. Has been foreman of Timber makers. Supposed to scale and keep time. Failed utterly. Found him taking record as furnished by the purchasers of timbers. Employed as foreman of Brush Burning Co. Careless. Let fire get away from him. Then tried to cover up by spreading story operation deliberately set fire to pile logs. Nearly a costly venture for us. Had contract to complete cut of old camp 12 taking small bodies timber left there; failed to complete job. Claims would not secure labor. Yet aspires to foremanship. Indians will not work for him. Responsible for story of waste at old camp 12 site. When as a matter of fact he left himself the stuff he was to take in as per contract. Critic in every thing. Tried and found wanting in every test given.

JOHN LA BUEL. Farmer. Hotel keeper, jobber. Addicted to use of liquor, gambles, aspires to be a leader. A part blood. Failure as logging contractor. Does not work except at times. Uneducated, talks much. Took logging job last winter, had to be carefully watched on supply bill or would run behind, careless as to detail. His excesses of past unfit him for hard work. No morals.

ADOLPH AMOUR. Pond foreman. Works fairly well. Aspires to better job. Uneducated. Careless on details and property in charge. Addicted to use of liquor. Wastes his earnings. Jobber. Never made good, ran far behind, possesses no executive ability, cannot handle men, no sense of responsibility. Did not think it anything out of way that he caused a loss of several hundred dollars, but if saw white man absent from post 5 minutes would point it out as stealing time. Has been often away from his post minutes and hours; thinks it all right to put in time and draw pay.

GEORGE MCCALL. Now camp foreman. A logger in a way is continually supervised. Cost of his camp greatest on the works. No business head. Have to continually drive him. For instance, was formerly foreman our Camp 5. Cost of feeding teams showed very excessive. Investigation showed men going to town, liquoring up and returning with a team and driver. Paid by bag of oats or bale of hay out of barn. That was reason of high cost. He neither reported liquor trespass nor could he account for high costs although something was wrong. Could see no wrong in entertaining friends or visiting teams at expense of operation. Let him out and am now trying him again, although he has to be continually watched.

FRANK KUCHNA. Had been assistant time clerk. Made mistakes. Used liquor considerably. Liked to go to town frequently. Dismissed for inattention to duties. Given a chance again as Camp property clerk. Duty to check up



wagon account. Knew a clerk was short, did not report because was an Indian. Property clerk; another Indian reported he was of no use at all, let him out. Gave him another chance as clerk and scaler on jobbers, because Indian jobbers he evidently allowed more than full scale in instances. Scaled twice, in bark jobs when bark shipped out actual measure much less than his scale turned in. In count and inspection of posts careless. Jobbers would have been overpaid, only that a double check found his short comings. Likes easy job and good pay. When errors found by him not reported to office but told Indians making a story plausible as if fraud was intended.

SHARLES DURNANE. Part blood. Indian very little. Camp clerk. In town every evening until late at night. Gambled. Caught stealing money and property of operation. So far has not made good. Utterly immoral. Made no effort at going to work since dismissed from former job. Careless at work. Scale not to be depended on.

CHARLES PROCTOR. Mixed blood. New member of tribe. Has been camp foreman. Cost was highest of operation. Aspires to superintendency, although not fitted; no business ability. Critic of superiors, not always following instructions. Follower of Frank Gauthier, instrument in his hands in spreading talk and creating dissension. Works fairly well, that is, steadily, now foreman of Pond crew. Cost of this work some cents per M higher than it should be. Has not the knack of getting work out of men.

PETER LAMONT. Chief of Police. Inclined to exercise authority at inopportune times, saying he was so ordered. Again fails to call my attention to cases wherein friends of his are concerned. Has been logging jobber, failed. Likes to mingle in town gossip too much. Not independent, inclined to follow rather than lead. Likes to licker up. No sense of responsibility; fails to set example to his Indian brothers. One of those who preach tribe money is being wasted because the interest money is not handed over to them. Gambles. Will not do real work. Prefers easy job.

LOUIS KASUATOSH. Works at odd times - likes to licker up. Wants easy money. Has been given jobs tie making. Logging, failed utterly in each. Runs into debt. Rarely pays bills - says he is going to some time. Ows Mills. Trades every one where he can get a cent credit. Plenty of work but does not like the steady grind of real work. Drives round considerably.

REGINALD OSMOSH. Was employment agent, \$900.00. Performed no work. Dismissed. Liked to liquor up. For a long period stirred up trouble in order to get easy job and good pay when he could have time to look after tribal interest, as he put it. Finally made up his mind to go to work; is now foreman of small crew. Does not think it wrong to take time off. Is progressing and all in all is better leader for Indian good than any of other so called leaders. Is hereditary chief of tribe. As such thinks he should be superintendent. In fact has a scheme whereby certain leaders should be made Supt. in Charge, Supt. of Mill, Logging Supt. etc. and then white men hired to do the work.



LOUIS LAFFRANCOIS. Part blood. New member of tribe. Employed as Pond man. Wanted to be fireman in mill. Weights 250 lbs. When it was pointed out that firemen have to clean boilers and it was a physical impossibility for him to do this work he thought the Mill Superintendent might do this. Sulky, complains he should have better job. Several chances given him to show capability but did not like the steady grind. Claim able to make \$3.00 to \$3.50 a day outside but stays here at \$2.00 a day. Owes many bills, poor pay. Continually in mix up in towns; social relations. Says is citizen; advises Indians to resist discipline. Only just before your arrival here was one of party arrested coming from town drunk as a lord. He had the money- admitted buying liquor but refused to tell who supplied same. Busy always in fomenting trouble. Not inclined to steady employment. Criticises but does not realize the value of applied industry. Wastes his earnings. Responsible in part for stores to Indians.- Books of mills doctored and that funds are spent and wasted.

JOE LAW. Does not work. No visible means of support. Gambling seemingly his only industry; continually driving around. Lately seems to take some interest as member of Indian Fair Association.

These are only a few that I quote. I could go on with record of sixty or more. In most part misled and misinformed but willing to believe in hopes of a change whereby they would not be continually prodded to start straight. All would like a good job at good pay.- easy work, etc., but none display intentions by industry to earn promotion. They have no sense of responsibility. Do not see wrong on their part but find it readily on part of others. I have found Indians taking hay and feed from barns. They did not call it stealing on their part; sort of figured they had a right to it. I have placed Indians in charge of property and they could see no reason in having to account for it. Some one took it.

I have had Indian clerks deliberately make mistakes for instance in supplies charged white employee one price for supplies and Indians another and then run around shouting discrimination against the Indian, not knowing their purpose had been discovered and proper correction made. I have had Indians in semi-executive or clerical capacity and when legitimate error found fail to report same, but instead spread rumor that things are wrong and point these instances as example. Many and many of incidents such as this have I investigated and corrected and of the many investigations on part of Inspectors of Indian Service and others. The time has yet to come in which something wrong is to be found. In fact the position of the management here has been strengthened in each and every case.

Every Indian who wants work can get it. No Indian can be produced who can say that he applied to management here and could not get a job and at once. It may not be the ideal one he desires but it is one which I think measures up to his capabilities or one in which I can test him for his fitness. No man is barred, not even those dismissed for cause. In a case like this I simply start all over with the person on a new line to make something out of him and this not once, but after failure upon failure. I have not always held the employer's point of view in mind, but ever before me is my

semi-dual capacity of teacher. I do not aim to say that my management is perfect, or that this plant is an ideal business corporation. The law makes this an institution for industrial development of the Indian, and as well a business proposition in which they are expected to benefit financially. No man need suffer for work nor do they. True they may say so - think they are entitled to better jobs, higher pay, etc. which is their cry, but is only subterfuge. There is waste here. Some waste of energy, some might put it that could be used better in other directions, - such a business management. The Indian knows nothing of efficiency of organization. Here we have a business institution and school combined at least 1/3 to 1/2 of its organization children and its efficiency crippled to that extent and yet all things considered it is a question of its not being a good investment. Could you have come here with me three years ago last June and saw the condition of management, organization, financial condition and internal relations of plant to town and its home life, then I feel your visit here in 1913 would have witnessed a great change for the better. More and many more Indians learning the value of steady employment. Homes that were hastily constructed one room shacks, now the neatly constructed modern 4, 5 and 6 room cottages.

Conditions in home life are so completely altered that they could not be recognized. Dusky in features but white in fashions, living and conduct, in a fair way. The throwing of Indians into contact, socially and industrially, has worked a wonderful change but its only in its infancy. It costs something, it may be said, but is it not money well spent? I doubt if there is any tribe in America wherein greater change has taken place than here in the short period of existence of this plant. Morally, of course, conditions are bad. Waste or imperfect organization etc. exist, but day to day sees a bettering. Some tightening of the machine; some improvement in the efficiency of the operation. The greater part of the work has been done. What remains now is to perfect or pick up the loose threads. Waste has been spoken of; the great pity of it all is that this is true not as the ring leaders of the present movement would have, but waste in shape of idle Indians, who are lead to believe through agitation that the millenium is at hand. Now men are to take hold. Good jobs are to be parcelled out to everyone; waste not only in wages lost, caused by this unrest, but waste of our efforts to get them to labor and after getting started the lessons lost by having to start all over again.

The time records of these Mills show in all these periods the loss of at least 100 Indians, who disappear from the pay rolls waiting for the great change preached, which never comes. Many investigations have been held. It is time something happened once and for all. Either changes are or are not true. The way should not be left open for the future. If things are fairly well, no matter who is on the job, the office should discipline those who are a real hindrance to the progress of the Indian toward industrial self development. Summed up these men are not at work because they will not work and those who are working hold out their hands for a work to which they are in no manner fitted. I can comb over the employes of this plant and not find one white occupying a place not absolutely necessary, while it is a matter of record that this year I more than once strained the organization by depending too much on the Indian, in view of the labor scarcity.

- Q. What is the past experience of this plant on logging contracts to Indians?
- A. This plant experience on logging contracts to Indians has not been at all satisfactory. The law prohibits the employment of white labor; yet the Indian jobber seeks it at once. He likes to drive round, put on a foreman, time keeper, clerk, instead of handling work himself. Careless of supplies, overlooking the fact it is part of his cost. Our contracts are invariably handed out on a basis of \$6.00 per M. We do work for \$4.75 per M. Usually jobs are comparatively easy yet through lack of business management the Indian fails.
- The records of this office back this up to the extent of thousands of dollars claims filed against the tribe from old logging days. What success was found in contractor breaking even or a little better was due to the fact that I, personally, supervised their work and accounts. Guaranteed them labor, loaned them supplies and outfit. In fact financed them. Being notoriously careless in payment of obligations, labor or otherwise, it was necessary for me in each and every instance to handle the work for them. The records here vouch for this.
- Q. They also seem to think that they at least ought to be made bosses of the camps in the woods. From your experience on the Reservation the last three years, do you think this is practical?
- A. This question is answered in part by my answer to Question No. 2. It is not practical but can be experimented with. We have now Camp 15, white foreman, Camp 16 Indian foreman, Camp 17 Indian foreman, Camp 18 Indian foreman. Over these are the Logging Superintendent Mr. Brigham, assisted by Mr. Peterson, woods foreman, who lay out work, plan roads and continually supervise in order to hold cost within reason. They log haphazardly, not one ever had experience in railroad logging, could not even attempt to build a spur. We are endeavoring to teach them but they can never attain the proficiency of white men, because lacking initiative, being too far set in lines of old days. Not a single one could be counted on along to fill the demand of the mill daily as its consumption demanded. We usually run our camps on basis of 3 white foremen to 2 Indians, after things get going the logging boss taking personal charge of the 2 Indian camps.
- Q. How many thousand feet of miscuts have been saved in the past year?
- A. Miscuts sold in business year ending September 30, 1913, 241,140 feet; brought average of \$10.05 per M. Total \$2,425.46. Miscuts in yard end of business, 1913, 251,500 feet. All sold; not yet shipped out; at advance of \$1.50 and \$2.00 per M over price of 1912. These are some of piles you looked at. Miscuts are principally hardwoods, percentage is about 5/8 of 1%, which is reasonable I think.
- Q. How much wastage was there on your inventory or in other words, shortage?

A. 415,159 feet shortage, as follows:

Our inventory October 1, 1913	38,555,148 feet
Manufactured during the year	31,640,896 feet
	<u>70,396,044 feet.</u>
Sold and shipped	40,126,035 feet
Used in construction	1,528,870 feet
Shortage due to breakage handling and perhaps estimate of lumber in pile.	
Good part of which is piled all widths and lengths - - -	
	<u>415,159 feet</u>
	<u>70,396,044 ft. handled during year.</u>

Q. What is your system of selling and collecting? (Please answer fully, describing methods of selling the square timber, prices, etc.)

A. Under the Act of 1908, products of the Mill must be sold to highest bidder for cash. Sales regulations provide advertisement of the products to be sold. Sales held weekly. Proposals to purchase may be made in form of letter stating species, quantity, grade etc. desired with price offered. This may be accepted or rejected by board of sales, myself and sales agent acting as such, if the market values are or are not as we know them.

Sales over \$10,000.00 referred to the U.S. Indian Office for approval.

Sales may be made between periods if price offered is not less than the best previous bid or in good market value for the product.

Payment must be made before purchased product leaves the Mills. Deposit may be exacted if deemed necessary to protect Mill at time bid is accepted. I inclose copy of the sales regulations herewith.

The selling of board timber is conducted strictly on the lines above. Advertisement is made of quantity to be offered. circular letter sent to those in this trade known to be interested, with advice sale will close on a certain day. Bids then canvassed and award made after approval by the U. S. Indian office if \$10,000.00 or over. Specifications for sales - write bidder to bid for timber made f.o.b. cars by us. Rowed in woods and loaded by the bidder and made woods and loaded on car by us.

The price accepted is that deemed best for the operation. The last large sale of wanoy pine board timber was made at a price of \$70.00 per M feet, purchasers to make and load on cars himself. A small sale was made this year at \$75.00, but as market for this class of stuff is dead this year no large sale could be effected.

Rock Elm Timbers. Process of sale same as above. Prices offered this year 50 cents per cubic foot, buyer to make and load on cars himself. Prior to this year this class of stuff brought 42 to 47 cents per cubic foot.

Q. What is your idea about helping the trustworthy, industrious Indians to become farmers and give them say seven or eight hundred dollars out of their individual share of the money in Washington to the tribe's credit?



A. I firmly believe that the industrial advancement of the Indian demands that he be given financial assistance to better his condition. He can only learn the value and uses of money by the actual handling of it himself. Trustworthy and industrious Indians should be assisted by the placing to their individual credit a certain sum of money which they could invest to improve business, farms and home conditions. While it is true at present that the farmer here may be helped to the extent of \$600.00 by a loan from the Tribal funds which he must repay in 4 years. He acquires no practical education in the use of this money because he does not have the actual disbursement of same.

Every Indian should have the opportunity, if his stage of competency warranted, to have at his command under supervision \$600.00 in cash with which he might make the effort, whether that be in purchase of tools and equipment, stock, building of house, barn, etc. As it is now the Indian is struggling to farm 8 to 60 acres, as the case may be, often with no team; agricultural implements the simplest, such as plow and cultivator. No proper buildings for housing the produce he raised and no means to add to his stock or equipment. As a result, even the result of his meager effort in scratching the soil, no matter how bountiful, are often wasted through lack of means to gather and store them, while if in possession of the simpler proper equipment, fair buildings, a larger and richer harvest could be made with the Indian, that much nearer the self-supporting stage. Even the most advanced Indian would have a reserve fund to fall back on to purchase seed in the event of crop failure or to tide him over unforeseen emergency, thus preventing him from hanging the mill stone of debt around his neck. (which it will take \$200.00 for one Indian to overcome).

Q. There seems to be a great desire of the tribe to have a portion of this money. If the Government should give every Indian on the Reservation \$500.00 of their money, in the usual way, what method do you suggest of conserving this amount, taking care of that portion of it given to minors, and men addicted to the use of liquor, etc?

A. By all means, give the Indian, or place to his credit in Bank, \$600.00 of his money, to be disbursed under the Individual Indian money to plan. It is a very simple matter to conserve this. The Indians could be divided into classes, - Those requiring no supervision, those requiring partial supervision and those who would waste their resources. Checks could be made against waste very easily. For instance, Mr. Indian has \$600.00 to his credit; he comes to the office and applies for \$300.00 to purchase plow, cultivator, wagon, harness, cows or any articles within reason. If a competent Indian he could submit bills showing purchase and produce same; if wisely spent he could be congratulated. He could be advised of best market and best articles if necessary he could be accompanied by an advisor. If the second class Indian desired say \$100.00, he could be allowed to purchase under office supervisor. As he demonstrated his ability to handle his money he could be advanced.

While for the Indian who would waste or misuse, the needed articles could be purchased for him and an endeavor to advance him could be made by an apprenticeship or record taken of him



as to his industrial earning capacity. In all these cases advances or reductions could be made as the case demanded.

The individual Indian Money regulations cover these cases only that the strings should be loosened by allowing the Agency office more leeway in granting of allowances without reference for approval to Washington.

- Q. What do you think of the idea of selecting four or six of the highest grade young men on the Reservation and sending them to Wisconsin Agricultural College at Madison to take a full course in Forestry and Agriculture, that they may come back to the reservation and teach all those farmers that there are, or will be, the proper methods of farming, raising and care of stock, etc.

- A. The idea of selecting a certain number of the best young men of the Reservation and sending them to Madison is a thoroughly practical one and of far reaching effect in helping settle the Indian problem. Education is the way out. The burden of complaint of the product of the higher Indian schools is that there is no opportunity for a higher practical education. First principles are instilled, but of scientific knowledge that could be put to expert use there is no way out. Just enough is gone into to give the Indian a desire for a finished education. An agricultural and forest course for the Menominee Indians could not but result in untold returns for this Indian. Natural resources are in the soil and in the timber. It would be a practical direct method multiplying Indian effort untold fold. The harvest of such an idea put into effect cannot be told.

- Q. What is your idea about the advisability of having the entire Reservation thoroughly examined, and timber upon it estimated, showing the quality of land also, in each section?

- A. Sound business sense demands that the resources of any affair should be as accurately determined as is possible. No working plan is sound unless so done. I am on record in this office advocating and recommending (see my letter of office dated May 19th and April 5th, 1911). It should be a cruise by practical men such as the modern lumberman employees. There are 5760 forty acre tracts on the Reserve. Good cruisers should make 16 forties a day here. Cruises should embrace topography, character of soil, and natural resources of the Reserve. A working plan was laid out for here but for some reason was overruled. I have the opinion of expert men that this procedure should be undertaken at once. The information would be of untold worth to our business, to the agency and to the Indian.

- Q. I understand that the snow went off earlier than usual this last Spring. Is that true? If so, was it any hindrance towards cleaning up the logs out during the season? Have there been any efforts made during the summer and Fall to skid such logs, getting them ready to haul the coming winter? Are there any logs left, - if so what quality and amount, - that has been out during the seasons of the winters of 1910, 1911 and 1912? Is it possible to get any that may be left to the mill? Was there any effort made to keep those that were left from being wormed by the worms?

A. Our records here show heavy thaw which did away with all sleigh haul the first week of March, 1913. Prior to this there were thaws which made it necessary to cart snow for bad places. Days were frequent in which only part of a day could be used. The freeze during the night would be overcome during the day by the sun. This necessarily caused a hindrance to perfect clean up of winter's work. Again it left logs in pot holes, covered by snow on the low moist places where they could not be reached.

In Spring pine logs were peeled and skidded. I think it is a fact that a bare half dozen logs escaped these efforts to protect them. Again it must be remembered that these logs are in the midst of a live operation. Such logs as left after sleigh haul would be taken if in reach of summer's logging operations and if not possible for this would be taken in the first of the coming winter, as winter logging will start in where last winter's operation left off. I hand you a map showing in legends the various camps worked from 1910 to date. Here are marked the approximate spots in O where logs lay that committees showed your man. You will notice in each case that same are on the very edge of each season's works. This stuff all shows in territory of Camp 15 low cutting. It must be also remembered here that Camp 15 was built in 1912; its work was planned to extend over the East half of Section 16 to and including 15 and the South half of Section 10; when well under way instructions were received on January 1st from U. S. Indian office that pending a suit to be entered in U.S. Supreme Court during this summer to decide ownership of land, no timber was to be cut. This caused a complete change in work of this camp. Its work had to be shifted in other directions. It must be remembered that the mill eats up a certain quantity of logs every day.

Hauling in heavy snow over RR is tough work. Shortage in labor which was a fact during the last year and a half means every available man to be placed where timber can be got, to keep the mill supplied. The emergencies at the particular moments must be held always in mind. Cost of taking out individual logs, deterioration if any, if permitted to lay for a period, cost of peeling, skidding up to prevent deterioration, all must be weighed and counted for the best interest of the operation. There are some logs left in edges of last winter's work that will not rally be taken this coming winter, that could not be reached in summer logging except at too great a cost.

This winter's work will care for such logs as were viewed by your men, which are on edges of cuttings of past works. Camp 15, 17 and 18 will take the stuff. The year 1910 witnessed a great fire here, roughly designated in map in O. Portions of this territory had been frequently burned over prior to this year, the operation commencing winter of 1910-1911 was to put camps in and save what valuable stuff we could. In the mean time we had to go to Washington for legislature to build Railroad, which was obtained finally and June 14th, 1911 saw the first logs going to the mill. There was considerable burned in 1910 and year previous, much as would pay was taken.

It must be remembered in 1910-11 and up to October, 1912, prices on Hemlock was such that it was difficult to realize here cost of manufacture ranging from \$5.50 to \$7.00 on #3 and other grades correspondingly to after October 1, 1910 to \$13.00 per M. Market is now falling. Such Hemlock as would not pay was left. It was not a great amount. It is at the South and West edges of

cutting of old camp 12 and South edge of old camp 11. The good stuff here will come in this winter. We took some in 1911 and 1912. I am inclosing you scale of logs found in woods by our men with notes of their actual conditions. These are the logs which were pointed out to justify the charge of "great waste." They are all there are. A comparison of descriptions of land on which they are will show them in the very heart of the present works. Some have been deked as witnessed by your men and note should be made here that this work was a legitimate part of the works not an effort to hide anything as was endeavored to be claimed, because it was not known that any one was to look at them, or that any "mach ado" was being made about them. In fact we knew nothing of the prowling around of any one to discover so-called waste. Round square timbers, two or three, were pointed out as waste left. I would have you know that our books show every timber paid for whether taken or not, and even those left will be taken in by us because abandoned by purchasers with added profits to us.

Again, that any damage resultant from square timber cutting was charged and paid for and our books show the money received and deposited. Again it was pointed out that the Pine fallen was all cut by square timber men, this was not so, our own Camp 15 cut the greater part of pine as report shows. It couldn't be taken on account of condition of the ground due to early break up of winter and in part shift of change of camps scene of work.

- Q. While there I told all the Indians I came in contact with what I was going to recommend. You may tell them that I shall also recommend that each member of the tribe be paid the sum of \$500.00 out of their tribal funds in Washington, but I shall frame this with the original idea of advancing money to men who will clean up the land and go to farming. Those men should have an additional sum of \$300 to \$400 to be charged to their individual share of the funds remaining in Washington. What is your opinion on this.

- A. The advancement of money to Indians from the tribal funds for the purpose of encouragement along agricultural lines would be a splendid thing. Legislation may be necessary; if so it should be obtained at once. Something should be done to put the Indian on an independent basis. I might as well bring my boy up to 42 years of age, not permit him to handle a cent, buy all his necessities, do all his business for him, not let him know anything of the responsibilities of life and then turn him loose. Think you that he would make the average citizen or that he could then go on competent to perform his share in our world's work?

Each Indian is entitled to a certain share of the funds on deposit in Washington. In addition he has practically a source of perpetual income here. If he is ever to handle some a start should be made. This start taken with men who in a limited way show desire to reach higher heights should obtain results.

- Q. In the contracts made for lumber and pine in the tree, were those contracts let strictly in conformity to the rules of the Department for selling lumber at the Mill?
- A. Contracts for waney board pine timber and Rock Elm timber have always been made in strict conformity with rule of the Department for selling. Note in proposal sales was sent to

every one known to be interested in this line of product. A weekly ad. is carried in lumber trade journals and a large bi-monthly ad. that sale of products are held here. Bids were received from the known purchasers of this class of product. They were opened on a selected day and award was made to the highest bidders, as our records will show.

Q. Will you be kind enough to give me a little synopsis of your method of taking care of the old, sick and young Indians who can do nothing for themselves on the Reservation; is there money appropriated for that, etc.?

A. Any Indian, old, sick or disabled in such manner as to be unable to provide for him or herself on report to the Agency office and if possessing no immediate relatives or friends who will look out for them, can be put on ration roll and receive two weeks' rations of flour and pork enough for subsistence for this period and even if with relatives or friends this allowance can be made. Under special authority clothing can be issued for their comfort as well as other necessities. Two physicians are continually on the rounds, as well as an Indian policeman, 3 farmers (white) each having a district of his own and a field station. All required to note and report and aid in deserving cases.

In cases where there are no friends or relatives, we have a Hospital which takes care of cases of this kind. In cases of children, orphans, they are placed in schools, government or Mission as is desired, where they receive clothing, food and quarters, etc. Those with disease are sent to hospital for care and treatment. In case of first steps at tuberculosis, if consent can be secured they are sent away to recently established sanitarium for special care and treatment.

Notwithstanding all this, it would be better perhaps if this class of Indian had set aside his share of his own funds and be permitted to live out their lives in their own way, in their own homes. Naturally on removal to hospital in many cases, they feel the separation and absence from their own settlement and homes, of course there are cases, where separation is justifiable and really should be enforced, in protection to lives of others with whom they might come in contact. In many cases we find persons of this helpless class, putting up with poor food, poor clothing etc. and loss of many comforts they could obtain, if they had money of their own to prevent separation from friends and home.

Q. We understood, while at Neopit, that the season broke up very early last spring. How much earlier than usual and what effect did that have on temporarily leaving logs in the woods. How many feet of logs have you cut since you took possession of the mill; give me this by seasons please, 1910-11, 1911-12 and 1912-13.

A. Our winter logging season of 1912 and 1913 broke at least two to three weeks earlier than usual; thaws developed in the latter part of February that made sledding hard and on or about March 4th a heavy thaw set in that carried the snow away and softened ice in swamp and creek that made work dangerous and impossible. We can usually count on work for clean up, etc. up to latter part of March even at times after April 1st. A lot



up on sleigh haul of two weeks, a week even several days in case such as this, can result in leaving of logs in woods in places preventing skidding out and in other preventing sleigh haul. Start of winter has something to do also with conditions at end of winter. If the hard frosts come early enough to well freeze the ground before snow falls naturally thaws at end of winter do not have much effect, a ground remains frozen longer. Last fall we had a freeze up, then a spell of soft weather, opening up things again, and in December the snow came covering the ground before it had a good chance to freeze. Naturally this Spring, the melting snows had much less distance to work down to open up ground and in moist swampy places, thaws practically opened them up at once.

I am inclosing herewith statement of logs cut by Specien and camps during seasons of 1910-11, 1911-12, and 1912-13.

Q. Give me your version of the trouble that has arisen on the Reservation. How many Indians have been interested and what have been the characters of those that have been fermenting this trouble and has there been, to your personal knowledge, any white influence brought to bear?

A. Your question is in a way a hard one to answer. There is and always will be trouble with a certain class, because in a way there is no discipline that can be administered, while the office permits itself to be deluged with complaints of any nature, investigate them and then fails to rebuke severely those responsible. If, after due investigation, it is found that there are no reasonable grounds for complaint, as long as any half dozen dissatisfied and unscrupulous are permitted to continually roam around making capital out of anything they can pick up - make up or distort into a something that will answer their purpose, no trouble can be had in acquiring a following.

The trouble of today, the culmination of a series of complaints, started about April or May, 1912. It was engineered by Oshkemaniew, Brickett, McCall, Tucker, McCall, Gauthier and several others. Brickett has always been restless, but amounted to nothing until joined by Oshkemaniew. The others simply trail along or are handy tools as the case may be. Since the doing away of the old business committee of 15 at time of visit of Senate Committee in 1909 or thereabouts for crookedness in tribal matters, those members always longed for a return to the old days of easy money, etc.

My attention was directed first, in this connection, to a complaint handed in by them while on a trip to Washington in 1912, as above mentioned. Again through the secret influence of outsiders being exerted in here against the operation and the superintendent, myself.

But to start from the commencement. These people could not have acquired any influence at all, had it not happened that in 1912 it was found that owing to their interest money having been all used up in payment of annuities for the several years previous, and for the legitimate expense of the agency, schools, etc. that there was no available surplus that could be set aside to make a payment. Oshkemaniew, Brickett and his kind immediately set up a cry that money was all wasted and spent and were sided in this by interests outside opposed to the plant and the administration of Indian Affairs here. It was proposed to send a delegation to Washington, D.C. to look after their interests. They went, aided by a substantial collection furnished from outside.



I know personally traders in town who contributed, because they told me so later. Prior to this I had found that the Menominee Indian Mills had used to pay labor a sum of approximately \$125,000 of interest money, which I claimed should have been taken from the fund direct itself as authorized by law and that this money should be replaced to interest credit. This was done prior to start of the Committee to Washington, D.C. where of course they accomplished nothing, but did claim on their return that they had got back a large sum of money and that payment would be made, etc. This gave them a footing, ever since they have added to it. Without their ever having examined the books of this mill they charge fraud and waste. In spite of official letters from the office and from Representative in Congress check up the office they interpret to the other Indians wrongfully, saying it is proof, etc.

The Indians say, or are told, that Mr. Ballister of Oshkosh, who has passed through this Reservation a number of times, has told them that they are not getting half enough for their lumber. He is quoted as saying that the big Pine being sold is the cream and should bring \$125 to \$150.00 per M and other species corresponding. That the cutting of this timber is robbing the yard, etc.

One of the many things I instituted on my arrival here was the prohibitions as set forth in regulations prohibiting any one trading with Indians to come on Reservation while a payment was going on. They had been in the habit of appearing at Agency and when check was about to be handed over to Indian take same and give the Indian so much credit on old account or new. Naturally they did not like this.

Another thing was the so-called traders' claim referred to me for investigation and approval. I recommended against its payment and this was sustained on appeal to the highest authority, the Indian Office, Office of the Secretary of the Interior, and even to the Comptroller of the Treasury. They even petitioned Congress for legislation to pay, but it was denied, although later they did get through a bill permitting the matter to be referred to the Court of Claims for review, where it now is.

These claims consist of supplies furnished to Indians for years back. It was claimed, but I could not find Indians who could say they ever received same or if they did double and triple prices were charged and in no case could payment be found as a credit, although the Indian claimed the logging contractors on the blown down district jobs in 1905 to 1908 were included in the claims and the Indian claimed he handed his checks over to them. Included also were the claims of the logging contractors on the Blown down district jobs in 1905 to 1908. You know some of its history. Contracts were given to Indians they were permitted to take in white partners. In cases double scales of timber cut were made, in others they failed to live up to contract at all, the easiest work was done, green timber cut. The white man supplying charged up all kinds of supplies, expenses, etc. The Indians got nothing. It all resulted in the Government sending in special men who went over all the work. Checked up accounts and withheld payment of enough money to pay for violation of contract, etc. These men appealed to every source, brought suit which was thrown out of court, etc. Heading this crowd was one man named Cook, notorious in this county for timber operators. His headquarters in Oconto. Mr. Tyrrell is his personal attorney. Mr. Ballinger, the Washington representative, selected at that time I suppose because of supposedly influence with his uncle who was Secretary. But the same Secretary has sent me on the job out here.

A year ago a hearing was held in Shawano to take testimony of Indians who were partners. Ballinger and Tyrrell were both there representing Cook. Strange to relate, and I have it on pretty good

source. Cook had bought up the greater number of claims. Many Indian partners hitherto opposed were found in favor, because it was promised to them a share if any money was recovered. Those attorneys also learned that the Menominees had certain interests at stake, such as the Disputed School and Swamp Lands, claimed by the - and at once became hungry for large fees as attorneys to represent the Indians. Mr. Hallinger approached me while in Washington, so I know his interest. I have simply opposed them and in the mean time have been instrumental in having suit brought in U. S. Supreme Court for test and an new waiting decision.

This brings in another element. The enabling act for the State of Wisconsin, set aside Section 15 of the public survey and all swamp land to be used for educational purposes by the State unless those lands were otherwise set aside. The Menominee Reserve was created before the State. Attempt was made to extinguish the Indian title by treaty, which was never accomplished. By error in giving patents for other lands patents were also issued to State for certain lands within this Reserve. Lumbermen discovered they were valuable for timber and bought them from the State.

They cut on same and were stopped later in cutting on any. They have sat down awaiting the time if nothing was done, whereby these lands would fall into their hands. Naturally any Agent who is looking after Indians interest, took step to protect the Indian right would be disliked. It seemed the practice of old days that the white got all he wanted in here and no reason could be seen why this policy should not continue. I reasoned I changed it somewhat after efforts to get decision or actions to determine ownership, which resulted in nothing. I started Camp 15 on Section 16 and prepared to cut, well knowing that those lumber interests outside would be compelled to go into court to stop it, or yield up their claim. They went into court where I think they lost. At any rate, I have this to go on; there is on the calendar of the Supreme Court of this State a test case for which has been on docket for years, but which is continued along each session, because these people feel they would lose even in their own court. Naturally I have antagonism of these persons concerned on the outside, which is considerable.

Again, there is the Stockbridge land cases. Patents in fee were given to these Indians in 1970, under this Agency. Prior to the delivery of patents certain lumber interests in County around here went to the Indians and for a \$100 or \$200 usually handed out in silver dollars secured a deed and promised to turn over patents when received. You can imagine what this sum of money meant to an Indian who had been accustomed from childhood up to receive \$2.50 from the Government per year as his interest money.

Enough that they sold for a song, or in cases were so drunk they did not know. I held these sales prior to date of approval of Patents illegal. The Department so held. I was instructed to bring suit to set deeds aside, which I have done and this month case comes off in U. S. District court, Milwaukee. This compelled those lumbermen and land grabbers who took in forties \$5000.00 worth of timber and then not completely out over to run around to secure new deeds. In some cases it was arrived at by questionable methods, but in most the Indian received

added compensation. Naturally all this did not make any very good friends for the Superintendent here. These are the principal cases, outside the fact that a sincere and successful attempt is made to make this mill pay, which some interests think should not be done, and which nothing has yet been shown we could not have been done from the start. I could name endless little things that all tried to make the present superintendent a very undesirable person to be on the job here.

The head and center of the present kick are a certain half dozen. Prickett is now the nominal head, Oshkenaniew has been the chief brains but within the last few days he has dropped away. Backing these men up are L. LaFrasbois, Joe Longley, P. S. Gauthier, Alex Faquatoch, Tom LaBell, McCall, Paul Tebeau, who are the real heads. Their following numbers perhaps 60, possibly 75. All of these attracted because of resentment to the Agent for punishment of offences against law and order, whether it is liquor, trespass or enforcement of payment of just debt; with exception of Gauthier and perhaps McCall the ring leaders are all late comers in the Tribe. As one Indian puts it, those who took their interest and money out of tribe in 1849 resided away where they made a failure, learned the tribe had gotten wealthy, came back now for re-enrollment, tell how successful they were away, want land and funds divided up again to be in their way again successful, so that they will again have to come back and live on us. They are all part bloods nearly white, the undesirables of the Reserve, always on the lookout for easy money to be made without work and evidently successful.

In my years here, I have felt after each putting forth my efforts for the protection of the Indian property or interests, the added influence of the outsiders effected. While not actually having the facts in my possession about money being paid to certain ones here, - I know it. I know of conferences in Shawano and here, which Mr. Tyrrell has attended. It is co-incidental with Mr. Rollister's appearance on the scene on or about the same time. I know that these Indians have had the counsel of certain attorneys in Shawano, who are the attorneys of the certain lumbermen effected. For instance, only today Mr. Tyrrell visited Shawano, met a Mr. Derosier, a part blood Menominee (not member) and received from him \$200.00, for which Tyrrell in turn gave his note indorsed by someone else in Shawano who was well enough known to have it taken at First National Bank, Shawano, the head official of which, by the way, is one of the claimants of land here and its stockholders more or less interested.

The ostensible purpose of this \$200 is that it is to be used to send Mr. Tyrrell and certain witnesses to Washington, D.C. to head off any unfavorable report. I know, and there are witnesses here, who know of Derosier's going to Shawano on Saturday to arrange for money. I know that on Saturday Mr. Prickett 'phoned Mr. Tyrrell to be in Shawano today, using words to this effect, - "Meet me in Shawano Monday, everything alright, it will be there," and this P.M. Mr. Derosier in this office admitted he had loaned Mr. Tyrrell \$200.00 on interest and admitted putting note in bank duly indorsed, but said he did not know who indorsed note.

The story given out is that the Indians are to repay the money to Mr. Tyrrell and he in turn take up the note. I have not yet examined the register of Hotel, - perhaps I can get later from bank the evidence of note, if it is there, and dates of

conferences of past with names on register. I have felt at times the unfriendly influence of the W. & N. RR exerted through Indians who have always been in their seeming employ because I was instrumental in turning down a bill for several thousand dollars charges rendered covering usual wear and tear on car service on their flat cars, while engaged in hauling logs here at commencement of operation, and also the cancellation of a contract which compelled the hauling annually of not less than eight million feet of logs over their road at \$1.00 per M. figuring I could do it for less money, and now actually do at 35¢ per M.

I know when men can go around spending money, who have no visible income, that someone must furnish it. I know that Hollister has in his employ the husband of a member of the tribe who has never lived here. His name is Rick. He is their Foreman or Superintendent. I know this man's brother-in-law's members of the tribe are here; one them, Fourtillotte's was a former employe in old days at this agency but was dismissed. I know that nothing goes on here but that these people furnish information outside and have felt their influence in opposition in here.

I know that all these same interests in the past have caused the sending of complaints through Senators LaFollette and Stephenson, which personal interviews on my part with office in Washington have set straight and caused every one to keep hands off. The change in administration gives them new life. Now instead of last administration influence being sought it is the present Congressman Konop's hand is plainly seen. It is announced by Indians that Oconto has as candidate who is to take charge, etc. Mr. Froehette and some Indians, Gauthier and others visited Oconto, met Mr. Konop so they announced, and received his word that a change would soon take place. The name of the man is Douglass Burns. I am told a former sheriff of the county, woods cruiser, etc. Back of him I can discern the same old interests, who are always trying to get a foothold here. Oconto, Marinette, Oshkosh and Shawano interests.

But my story is no new one. Around every Reserve are the same pernicious interests, always striving to get at the Indians' natural resources. I was not sent here in the interests of anyone, but that of good administration. I was selected because of certain things I had performed in the past. It was known no one could get to me. This place prior to my coming had been a hot bed of corruption and mismanagement; that is its record. I was sent to clean up and I shall continue to do so.

Under my first administration about eleven thousand dollars was compelled to be repaid to the Mills for lumber stolen and some lumbermen escaped narrowly going to jail. Work on lines such as I name is continually going on. Naturally these concerns have no love. If someone came in who would sleep on the job, how pleasant all around would be the condition. With me out they think their goal would be reached. How little they know I have been here long enough to have acquired some real liking for the real Indian. It would be real pleasure for me to, from the outside work many times harder on my own time and resources to prevent the Indian being any longer robbed by his unscrupulous red or white brother.



Affidavit of Mr. A. S. Nicholson.

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Neopit, Wis. Jan. 9th, 1914.

To whom it may concern:

I, A. S. Nicholson, hereby certify on honor that the information given and report made by men to Hon. Edward E. Ayer, of the Board of Indian Commissioners regarding conditions on the Menominee Indian Reservation are true and correct to the best of my knowledge and belief. Figures of record are copies of certified records of the Neopit operations and other information is obtained from sources which are creditable and upon personal investigation by myself and reputable employees here.

(Signed) A. S. Nicholson  
Supt. Menominee Indian Reservation.

Declared to before me this  
9th day of January, 1914.

(SEAL) H. C. D. Ashford  
Notary Public.

My commission expires June 20, 1916.



29A Nicholson 29A

Copy of correspondence between Mr. Edward E. Ayer, and Mr. A. S. Nicholson, Neopit, Wisconsin, regarding the railroad facilities at the Menominee Indian Mills.

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Chicago. December 4, 1913.

Mr. A. S. Nicholson, Superintendent,  
Menominee Indian Mills,  
Neopit, Wisconsin.

Dear Mr. Nicholson:

I was not satisfied, while I was up to your place, with the railroad facilities there. A road practically without cars and two rates on everything must make it very expensive and very dilatory in handling your business there.

I feel quite sure we can get the North-Western to build over from the West: it doesn't, from the map, seem to me to be more than eight or ten miles, and this would mean but one rate to all over the country, saving practically the entire rate paid to the road that is now there.

Please write me fully explaining just exactly how much rate they get, etc. and what you consider the extra cost of handling a car; and the way it ought to be if we got the North-Western to come in there, when they would take the North-Western rate to all competitive points.

I don't know whether we could do it or not: I am going to find out what the rates would be and I think it would be a substantial saving on the out of the mill.

I am going to make this recommendation in my report and you can so notify the Indians: I think they would be glad to know of any recommendations that would make them any more money.

Yours very truly,

Edward E. Ayer.

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Neopit, Wis. December 8, 1913.

Hon. Edward E. Ayer,  
Chicago, Illinois.

My dear Mr. Ayer:

Your letter of December 4th, regarding our railroad shipping conditions here.

I am glad you bring this subject up. Our position is, briefly, as follows. We are situated on the line of the Wisconsin & Northern RR, a short independent line running from the town of Shawano, northerly to Van Os-trand, a point 4 miles north of our Reservation line with no outlet or RR connection there. In Shawano the W & N RR have switching arrangements with the C & NW RR. This road

has two old engines, 2 passenger cars, a caboose and some flat cars with perhaps several box cars. It has to depend entirely on the C & NW for supply of cars to handle shipments.

Its freight north from the south will approximate several cars per day. Its freight out from here would average 17 to 20 cars per day. It picks up occasionally some cars from Morgan Siding below here, and Gresham. Our freight service is one train daily, combined with passenger service, two trains daily. To Neopit from Shawano 7 a.m. and 12:30 p.m. and from Neopit to Shawano 9:00 a.m. and 3:45 a.m. when on time. Passenger rates 4 cents a mile; local freight rates on same basis while through freight on lumber products we get same rate as from Wausau point and North-Western line, namely 10 cents per 100 to Chicago and other points correspondingly, except to the North and Northwest.

Our great handicap is car service. Perhaps the C & NW does not wish to favor this line, which rumor says is ultimately destined as a feeder for the "Soo Lines," but this we do know that many times we have taken matter of car service up with the C & NW agent at Green Bay and he has said that plenty of cars were turned over to this line. In cases we have known cars to be sent in and refused the W & N RR saying that they would do the ordering and not us. It seems to be their practice to scale down the number of cars we want and in cases we have known that cars were diverted to Gresham, Morgan and to Phlox intended for us. The C & NW found this out themselves when they sent cars here for ties that never arrived. Their men going over the line found cars at other points. Freightage in of course is very bad. Excess freight has much to do in adding to cost of supplies. Shortage in cars necessarily results in cancellation of orders, as customers have to purchase elsewhere.

In 1911 Mr. Ashton, Vice-President of C & NW took up matter of their road coming in here and have engineer and several others make a preliminary trip across the Reserve. A line was run starting about at Underhill, thence westerly to Keshena, then northwesterly to Neopit and North to their line. I cannot see whereby it would not be a paying proposition for the C & NW as well as excellent business for us.

Here is a product of millions in the rough for years to come. Manufacturers to ship for the same length of time, not counting other developments. Outside of lumber, ties, posts, poles, pulp wood, firewood could be shipped. Some things impossible to handle now. Whether the line comes in from Mattoon to Neopit and thence NE across to Breed or as the preliminary was made. It would be good business all around.

With the North-Western in here we could get fair rates North, East South and West. Save delay in shipping in and out through transfer having to be made; obtain car service which is the important item, and prevent lost sales and send to the markets of the country some products which we are long of and now hardly pays to make but which should be a revenue producer.

While on this subject another thought is presented

Correspondence with Mr. A. S. Nicholson regarding railroad facilities at the Menominee Indian Mills - page 3.

as to a handicap here. We must have cash in hand before shipment. We wire for money when car is loaded. Demurrage is due after second day. We must pay if our fault. Shipper kicks if charged to him. If reasonable credit could be given car permitted to go out, this would be overcome. It is a handicap in getting some firms to buy here. The tribe in the past has gone on record in favor of allowing the Chicago & North-Western RR to come in. Whatever could be done on this line must be quietly as it is very easy for any opposition to readily get hold of members here to manufacture sentiment in opposition. The W & N RR would certainly take a hand.

Concerning present sales regulations, I find an amendment to law is necessary. The Act of March 28, 1909, Section 3, reads:

Section 3. That the lumber, lath, shingles, poles, posts, bolts and pulp wood, and other marketable materials so manufactured from the timber cut upon such reservations shall be sold to the highest and best bidder for cash, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe. The net proceeds of the sale of such lumber and other materials shall be deposited in the Treasury of the United States to the credit of the tribe entitled to the same. Such proceeds shall bear interest at the rate of four per centum per annum, and the interest shall be used for the benefit of such Indians in such manner as the Secretary of the Interior shall prescribe."

If this wording was changed to read,

Section 3. That the lumber, lath, shingles, poles, posts, bolts and pulp wood and other marketable materials so manufactured from the timber cut upon such reservations shall be sold in the open market, after due advertisement inviting proposals and bids, under such rules and regulations as the Secretary of the Interior may prescribe, etc.

this would permit or regulations to be framed that would permit of business to be performed under conditions nearly on a par with any modern concern. The possibility of loss would be little, a selected credit list could be established, which would result in payment within say 10 days. Cars could then go on, knowing checks were enroute in mails, etc.

Respectfully,

A. S. Nicholson,  
Superintendent.

29 29 B - Nicholson

Letter from Mr. A. S. Nicholson, accompanying map, dated Neopit, Wisconsin, Dec. 22, 1913.

Hon. Edward E. Ayer,

Chicago, Ill.

Dear Sir:

Replying to your letter of December 19th, I inclose you herewith a map of logging showing out district by years in various colors. I have marked on line of our RR in thin red ink line route taken by party headed by Mr. Holland.

It is well to understand the problem confronting us at end of summer, 1910. Prior to this we had been cutting west of Neopit. In the summer of 1910 occurred the big fire North-easterly from Neopit, over sixty million feet of timber being burned, a large per cent. of which was pine. There was no way of getting it to the Mill. We had to go to Washington for legislation to build R. R.

There were no roads through. We started to work October, 1910, to build camps, cut a right of way over to this district and log the timber.

Early in 1911 bill passed permitting RR to be built. We started at point X on map and built RR over to burned district and on June 14, 1911, hauled first load.

It was a question this year of saving the most valuable stuff. We logged during year 1911 and 1912 on sites of Camp 11, 12 and 14. During this time we had to pay trackage charge of sixty cents a loaded car to the W. & N. RR, which was about twenty cents per M. I asked the Department for permission to extend RR into Neopit direct to save this charge and finally received permission to build and last winter, end of December, 1912, the first logs came in over this road straight to Neopit, from Camps 14, 15 and 16. Camps 11 and 12 had finished their cutting Northerly. Of course, in view of this fact, nothing could be done during this summer. Nothing could be done except log along line of the RR.

Mr. Brigham and Mr. Crowell, under my instructions, went over every part of past operations on line of our RR, skirted logging districts of 1910, 1911, 1912 and this past year, with instructions to scale everything merchantable, locate the forties same were on, and whether same could come to mill or not.

It is well to bear in mind the fact that where square timber men made last winter they received permission to cut along line of the RR into Neopit, so that we could pick up behind them as we came along. Such logs as were found were in main on edge of cuttings, where they can be taken in in present work.

Letter accompanying map - page 2.

Another thing that should be considered is that on June 30th I lost service of logging superintendent. He was suddenly taken ill and had to be taken to hospital, Milwaukee, where a serious operation was performed, he hovering between life and death for weeks. He finally resigned from service altogether at end of July. Washington did not send me new man until October 9th, although I took matter of successor up with them at once.

You can understand what this delay and change meant also. I had to carry on the work alone and necessarily it perhaps dragged a little, helped also by the extraordinary shortage of the labor situation for year past.

In spite of everything I am confident that our woods are as well cut, well cleaned up as can be reasonably expected. I mention the above incidents as it would not be fair to both logging superintendents to criticise them. The old one had his own plans and Mr. Brigham came on the job some time after the other left without really knowing what was on his mind for future plans.

Respectfully,

(Signed) A. S. Nicholson,  
Superintendent.



*29-C Nicholson*

Letter from Mr. A. S. Nicholson, Supt. Menominee Indian Mills, regarding the promises of Attorney Tyrrell to the Indians.- letter dated Neopit, Wis. January 3, 1914.

Hon. Edward E. Ayer,  
Chicago, Ill.

Jan. 3, 1914.

My dear Mr. Ayer:

Replying to your letter of January 2d, on promises of Attorney Tyrrell to the Indians, the best information I can get is, of course, talk amongst the Indians generally.

They have told the Indians that there is all kinds of waste here and to effect that their money is or will shortly all be used up. That this is the reason why their interest money is not being paid to them in shape of annuities.

They claim to be able to secure reimbursement to the tribe of approximately one-half million dollars claimed to be lost through what is known as dead and down operations.

They claim to be able to secure reimbursement to the tribe for timber cut by Stockbridge tribe at the time of their temporary occupation of the Menominee lands pending the arrangements for purchase of two townships from the Menominee tribe.

They claim to be able to secure to the tribe Sections 16 and the swamp lands claimed by the State of Wisconsin under the enabling act notwithstanding the fact that the matter is now before the U. S. Supreme Court, which case is on calendar, I believe, for February, the Department of Justice representing the Indian.

They claim to be able to secure to the tribe reimbursement of all moneys paid out for Education of the Indian from tribal funds, whether to mission schools or government, claiming same should be made by direct appropriation of Congress.

They claim to be able to secure reimbursement to the tribe of certain thousands of dollars lost in operations during the three years past. That this is I do not know as it is of personal knowledge to me that in 1911, 1912 and 1913 the operation yielded a profit to the tribe.

They also claimed to be able to secure to the individual Indians who were concerned in logging contracts all money deducted by the government for waste and non-compliance with terms of the contract. Also payment of what is known as the Traders claims bills but do not tell the tribe that if this should be done that payment will come out of the tribal funds.

They also claim to be able to secure to the tribe all annuities due them past and future. In fact, they claim to be a

cure-all for anything, everything of any nature. It is represented to certain Indians that they will protect them from the summary methods exercised by the Superintendent, particularly relating to liquor trespass cases and in fact have ~~some~~ taken steps attempting to secure release of Indians, habitual boot leggers, who were arrested on indictment by U. S. Grand Jury. This is a matter of record in this office and that of the U. S. Attorney.

Their appeal has been such as to whet the appetite of the very worst elements of the Indian. For instance, to the so-called Pagan Indian, a vast sum of money is to be restored him, annuities are to come along whenever he needs it. This, of course, to him brings rosy visions of not being compelled to seek a living by work, and a dream of easy life and dances. It also affects the other Indians somewhat inclined to be lazy and not work by furnishing them with prospects of easy money to aid in living. It has a certain appeal to the idle and worthless Indian, who makes a practice of subsisting on his more industrious brother, knowing full well that there will be a full larder in which he can participate either in meal or appeal for a loan to tide himself over an emergency.

The effect of the whole is a far reaching one. It is about as follows:- The Indian has been started on the road of Industrial self-development. He is fairly self-supporting. Suddenly his attention is drawn to this fact. What you have plenty of money; it's a crime it's withheld from you. We'll get it for you; you will not have to work so hard. You can take things easier. The Indian thinking slowly comes to the same conclusion. The microbes in his blood from long ago ancestors assert themselves. To him his wants are simple, - a little tea, pork, salt, some flour, etc. and once more he can see visions of idyl contentedness. Did he know the value of a dollar, know the necessity of being a producer of something to take the place of what he spent, such preaching might not work much harm. It has been my experience that money placed in the Indian's hands for which he has not labored is a curse. This, of course, excepts the aged, the helpless and orphan and certain Indians materially advanced.

Respectfully,

A. S. Nicholson,  
Superintendent.

*29 D Nicholson*

Questions asked Mr. A. S. Nicholson by Mr. Edward E. Ayer, in regard to the selling of lumber at the Menominee Indian Mills.- December 12, 1913.

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Mr. Ayer: Q. How much of the cut of the plant is sold to the small yards direct?

Mr. Nicholson A. Less than two million.

Mr. Ayer: Q. Then the rest is sold to the middleman?

Mr. Nicholson A. Yes sir.

Mr. Ayer: Q. In your judgment, how much do middlemen make on that lumber?

Mr. Nicholson A. Not less than \$2.00 a thousand.

30 Congressman Knopf

Congressman Knopf's letter of December 31, 1913, to  
Mr. F. H. Abbott.

Washington, D.C. December 31, 1913.

F. H. Abbott, Secretary,  
Board of Indian Commissioners,  
Washington, D. C.

My dear Mr. Abbott:

As per request I am returning to you the statement pertaining to the Board of Indian Commissioners. I am of an entirely different mood relative to this Board of Indian Commissioners than I was when you saw me. I at that time thought that this Board of Indian Commissioners was of some service, and Mr. Smiley and you gave me that impression. You also told me that Mr. Ayer, who was sent to make an investigation of the milling operations at Neopit, Wis., was sent there to make a bona fide honest investigation of the milling operations. From the testimony that he has been gathering at that place, and from the acts that he has done over there, I have lost absolutely all confidence in his investigation and I think the investigation is absolutely a farce. I think it is an investigation to white wash Nicholson of any complaints that may be made against him.

I am sending you a sample copy of some of the testimony that this man has taken, from which it clearly appears that he is not making an investigation of the business operations at Neopit, but is prying into extraneous matters, belittling the complaints and complainants. I want to ask you whether or not in your opinion you think that such an examination has anything whatever to do with business operations at Neopit. This little bit of testimony will convince any man that this man Ayer instead of being there to investigate matters for the benefit of the Indians, is there to pry into the complaints and belittle them as much as possible.

Very truly yours,

(Signed) Thomas F. Knopf.

Copy of Mr. Edward M. Ayer's letter of January 6,  
1914, to Congressman Xenop, of Wisconsin.

Chicago. January 6, 1914.

Congressman Thomas F. Xenop, Wisconsin.

Washington, D. C.

Dear Sir:

Mr. F. H. Abbott has sent to me your  
letter to him of December 31, 1913.

The second day that I was at the  
Menominee Indian Reservation Mr. Tyrrell said to  
me that you and Mr. Ballinger and he said to  
Commissioner Sells that you would look with  
suspicion on any investigation made at the Menominee  
Reservation by anybody that Mr. Abbott was associated  
with. This remark introduced me to a type of men  
that I have never met before, men who would voluntar-  
ily insult a Government Officer who was selected by  
the Commissioner of Indian Affairs and the Secretary  
of the Interior to make an investigation, before,  
even, the investigation was started. I immediately  
told Mr. Tyrrell that Mr. Ballinger's and his  
opinion was a matter of entire indifference to me  
and that as for Congressman Xenop, he could go to  
Hades.

I ought not to be astonished at  
receiving yours of December 31st to Mr. Abbott, and  
still, I am. You are again insulting the Board  
of Indian Commissioners, appointed by the President  
as the advisors of the Indian Department and the  
Secretary of the Interior.

Under Act of April 10, 1869, U.S. 2039,  
also under an Executive Order of June 6, 1869, and an  
Act of July 6, 1870, U.S. 2041, and especially an  
act of May 29, 1872, U.S. 2042, you can find out  
something probably new to you in regard to the powers  
of the Commission.

Of course the motive of Mr. Ballinger  
and Mr. Tyrrell is well known, that is, to get \$6,000  
a year for being attorneys of the Menominee Indians.  
What course can possibly be in thus grossly attacking  
a body of gentlemen who are working without salary,  
and in some cases such expense to themselves, it is  
almost impossible to imagine.

I have the most profound respect for  
the United States Senate and the House of Represent-  
atives, but to my mind your being a member of the  
House only shows that accidents may happen to the  
best regulated families, and I feel sure that your  
district, in the grand state of my nativity, will  
see to it that the accident does not happen a second  
time.



Mr. Ayer's letter to Congressman Kenop - page 2.

I am making your letter and my answer to you a part of my report on the Menominee Indian Reservation, and have also had your letter photographed for future reference. I am also sending a copy of your letter, and my answer to it, today, to Commissioner Hallin and Secretary Lane, that they may see in advance the outside efforts at work to try to influence my investigation.

Yours very truly,

(Signed) Edward E. Ayer.

3/ Oshkosh

Letter from Mr. Reginald Oshkosh, of the Menominee Indian Tribe,  
to Mr. Edward E. Ayer, dated Neopit, Wisconsin, January 10, 1914.

Neopit, Wis. Jan. 10th, 1914.

Hon. Edward E. Ayer,  
Chicago, Ill.

Sir:

In my efforts to furnish you the information and my opinions concerning Mr. D. F. Tyrrell of Gillette, Wisconsin, an Attorney at Law, who professes to be representing the Menominee Tribe's interest, will be similar to that of any other full blood and original member of the Menominee Tribe, because the various statements herein contained are obtained through rumors or gossip only, that are being circulated among the Indians by Mr. Tyrrell's associates, and not by records of the Menominee Tribal Council as is the custom.

Mr. Tyrrell's solicitation among the Indians as their counselor is being entertained entirely by the descendants of the mixed bloods who withdrew from the Menominee Tribe under the Treaty of 1849, and who through the sympathy of the generous Menominee Tribe have just recently been adopted into the Tribe, as well as the half-breeds of the wandering bands who deserted the Menominee Tribe in time of need, about the year of 1855, and who likewise have been reinstated into the Tribe only a short period of time, and who are ~~members of the tribe~~ employing every means to conceal from the fullblood and original members of the Tribe the inside facts of their real purpose, and which I will endeavor to explain later.

We understand that Mr. Tyrrell in his talks to few of the Indians in his several mass meetings with them while he was on the Reservation is that the Government is not conducting our Tribal affairs properly under the present administration, and that he would show the Tribe that their money is being wasted, both at Keshena and Neopit, Wisconsin, and that he could prevent all this waste by representing the Tribe's interest himself and then cause a thorough Congressional investigation which would then result in the removal of the present officials and then he could choose who he pleased from his party and assign them to the vacant offices.

These actions of his of course is only keeping the Indians in a state of continuous uproar and that means no benefit to the Indians: that is what I think about it.

We understand that the contractors from whom the Government deducted certain moneys on "Blow Down" should have their claims paid. The White Contractor seems to be more anxious to have this claim paid than the Indian Contractor is.

The Tribe does not see no good reasons why these claims should be paid for the following reasons:-

The majority of the Contractors were Whitemen, such as Wallie Cook of Oconto, Wisconsin, better known as the Lumber Crook; August Anderson of Shawano, Wisconsin, whom the Government is now prosecuting for defrauding the Government on Reservation Timber and Land, who did undertake to defraud the Government in the scaling of the blown down timber they did out and hauled to landings. Mr. Tyrrell, who has been telling the Indians for over a year about the wasting of timber on this Reservation, is the Attorney for these Contractors who did out and left logs on skids that was never hauled to the Mills or Landings, which can be found all over the Blown Down District at any time now deteriorating. Mr. Tyrrell does not think it is a waste. If this is not a waste, I do not know what a waste is.

The reason why I have said that the majority of the Contractors were whitemen is that the whitemen done the logging under an Indian name, and indeed very little if any at all did the Indian benefit out of the profits. The Indian paid very few visits to his Logging Camps; in some cases I understand the Indians had never seen their Logging Camps.

Mr. Tyrrell is prosecuting the Menominee Tribe to recover the claims of individual Menominee Indians who were in partnership with these white men in cutting this blown down timber and who did try to defraud the Government on the scale, and in many other ways did not live up to their Contracts. I do not see the Tribe's benefits in this, since I understand the money that Mr. Tyrrell demands is to be paid out of the Tribal Funds, I do not know from any other source.

Mr. Tyrrell and his associates are inspiring in the minds of the Indians that one million four hundred and forty-eight thousand dollars of the Menominee Indian money has been wasted in the Logging and Milling operations under the act of March 28th, 1908, (35 Stat. L.51) by the present administration.

According to my observations and as far as my knowledge is concerned, in the records of the Neopit Office outside of the blown down timber question I cannot see any waste that would amount to those figures. Mr. Tyrrell claims to be able to secure a payment to the Menominee Tribe on certain claims known as the two-mile strip claim.

Soon after the ratification of the Munsee-Stockbridge Treaty of 1856, a mutual agreement was made by these two tribes with the Menominee Tribe, in which it was agreed to exchange land as follows: The Munsee-Stockbridge Tribes agree to give to the Menominee Tribe a two-mile strip of land located on the north side of T.28N R.13E and T.28N R.14E, for a two-mile strip of land located on the west side T.28N, R.15E, on the Menominee Reservation. While occupying this land the Munsee-Stockbridge Tribes cut and sold the merchantable Pine Timber off from it.

In the meantime, by act of Congress Feb. 6, 1871.

Letter from Reginald Oshkosh - 3-

(16 Stat.404) sold the following Munsee-Stockbridge land, T.28N, R.13E, and the north half of T.28N, R.14E. This included the two-mile strip given to the Menominee Tribe under the mutual agreement, without their knowledge and consent, and immediately after the discovery of the sale the Menominee Tribe demanded the forfeiture of the two-mile strip on T.28N, R.15E, and vacate as well.

After many years had elapsed the Business Committee of the Menominee Tribe demanded an indemnity from the Munsee-Stockbridge Tribes for all the timber they had cut and sold from these lands.

About the year of 1901 a meeting was held at Keshena, Wisconsin, between the Munsee-Stockbridge Tribes' Committee and Menominee Business Committee, to adjust this claim. Each Committee was then represented by one of its members while the Government was represented by the Logging Superintendent of Keshena, Wisconsin, to go over the country and ascertain the amount of timber cut and sold by the Munsee-Stockbridge Tribes.

In their report they claim that they found it absolutely impossible to ascertain by whom, where and the amount of timber that was cut on those lands, for the reason that the Menominee Indians have been cutting some timber from the same lands since the Munsee-Stockbridge Tribes vacated it, and that the stumps were so decayed and defaced by forest fires that nothing was accomplished.

And the land and money that had been held in trust for the Munsee-Stockbridge Tribes by the Government had all been distributed among them, and the Committee were unable to adjust the matter.

Therefore I see no way by which a Lawyer or anybody else can solve this question.

Mr. Tyrrell claims to be able to restore to the Menominee Tribe their title to Section 16 and Swamp lands now claimed by the State of Wisconsin, and which question is now before the Supreme Court of the United States. We fullblood Menominee Indians doubt very much in Mr. Tyrrell's ability, and we object to his doing anything in the case, for we know no other that is more able to restore our title to us than the United States Government, and which means no expense to the Tribe.

Mr. Tyrrell claims to be able to secure annuity payments for the Menominee Tribe. We believe this is absolutely unnecessary to go through to the expense in employing an Attorney for this purpose only, and at the end have his fees deducted from each one of our shares, when it can be secured by the Superintendent of the Reservation as it has always been done in the past.

The inside facts of Mr. Tyrrell's real purpose is this:

Letter from Reginald Oshkosh - 4-

Paying Positions, Land, Money, Timber and other properties of the Reservation that are of any value has been the spoils for the unscrupulous political Grafter in the past.

Once more as he gazed upon the tempting magnificent belt of Timber on our Reservation the unmerciful rich Lumberman who have reaped his rich harvest from it for thirty-two years is not by any means discouraged by the determining efforts of the Government in lending a protecting hand to its wards against the Grifters who are now rapidly losing their grasps with much regret. The methods under which the Government is handling Indian affairs now are poison to the Grafters, and they are now using different tactics to overcome it.

First a meeting is necessary, to organize properly. Members of the organization (The merchant, lumbermen, land speculator, banker and the lawyer) then their course is outlined as follows:- An officer must be detailed to the National Capital (Mr. Ballinger) whose duties it shall be to bring to bear all his influence over every departments of the Government that has jurisdiction over Indian affairs and over all members of Congress until their aim is accomplished.

Second Officer, the most important, whose qualifications must be of the ruthless type (D.F.Tyrrell) who is to be detailed to the Reservation, and his duties are to approach the lazy, shiftless and low-bred half-breeds who are as a general rule easy victims to small bribes, and who are to be the Tools (Tom Prickett and others). whose duties are to be to penetrate into the Indian Country and destroy the Tribes, a protecting power, then preach misrepresentation concerning the management of their affairs by the Government, and create dissatisfactions among them, induce them to terminate their relation with the Government as wards and divide the Reservation resources.

If this is done then Mr. Tyrrell's real purpose is accomplished. The Indian then is once more an easy picking for Grafters.

Will be pleased to furnish any information to you at any time that will mean the betterment to my people.

Respectfully,

(Signed) Reginald Oshkosh.



I beg to present the views of a gentleman I met on the Reservation, who did not care to have his name mentioned but who had had great experience with the Indians and had thought of the subject a great deal, and who expresses the following views and suggestions:

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I do not know of any case of abject suffering among the sick or old or poor, or that they were not helped when in real need, either by their neighbors, or were refused help by the Agent. There are, of course, sick people and poor people as everywhere, but the former received rations when old and unable to work and the others were taken to the hospital, if they could be induced to go there. I do not know of any case that a sick person was refused admission to the hospital if the circumstances demanded it.

As regards Tuberculosis and Trachoma I must say that there have always been cases of both; whether they are on the increase or not I do not know, as in former years the disease was not tabulated so carefully as now. If the death record among the Catholic Indians shows anything, it shows that the health of the tribe in late years is better than ever before.

Also in regard to intemperance in drinking, quite a change for the better has come the last 5 years or so. It happens now rarely that an Indian is found drunk on the Reservation. It does occur, of course, now and then, but never goes unpunished if found out. However, if instead of being deported to Milwaukee to serve their time, drunkards would be made to serve their sentence on the reservation, either improving the roads or clearing land, I think it would be better, especially in the case of married men. The real hardship of the punishment in such cases falls on the family of the drunkard, and his wife is exposed to great moral danger during the absence of the husband.

In regard to the Mill at Neopit I must say, as far as I can see, that it has been a benefit to many Indians, as it gave them work, and several Indians have done very well; they have now decent houses and are working steadily and are making a fair livelihood and are in every way better situated than they were before the mill was built.

I think too, that every Indian who was willing to work could find work and if he proved steady and competent, was paid fair wages. The complaint about the Mill since its erection was that it takes all the Indians' money and was not making any for the Indians. Of course the construction of the plant was a great expense, but if managed properly it would be bound to make money and return a fair profit on the investment. Perhaps a private concern could run it cheaper, not having to employ such a large office force, and not being obliged to make so many exceptions in employing men and being so restrained in disposing of the lumber.

And now, as to the farming proposition. I am convinced that farming would indeed be the salvation of the Indian and the only way to civilize him eventually. However, the steady work on a farm is not to his liking and he is easily discouraged, if he cannot get the result of his labor right away.

I think that, allotting to every Indian who is willing to farm, 80 or 120 acres, to be his permanent home, and to advance him the money for improving the same, would be a step in the right direction to solve the Indian problem, and to make him self supporting. The condition, though, of getting additional assistance should be: making new improvements, say, for every acre of land cleared and cultivated advance \$20.00 of value thereof in implements, seed, etc. this to be charged to his balance. Also that a certain number of horses and cattle be maintained and food for same raised and stored on the premises.

The officer to look after this work should have authority to compel them to work on the farm, otherwise nothing will come of all the regulations.

It would be good policy and I think necessary to advance them money for the work they do on the farm, until they would have 40 acres or so under plow, because otherwise they are obliged to work away from home to get the necessary subsistence and no improvement is possible.

The old, sick and disabled to work would have to be supported as now by rations and annuity. Those working at the mill or at a trade might get help for building a house or making improvements on same; but those able to work should be made to work in order to get the use of their own money. I know this seems unjust, as the money belongs to the Indians; yet if he can get it without work and spend it as he pleases, the result will be that the Indian will ever remain only a consumer and never a provider, and when his substance is all wasted he will be a charge to the poorhouses. Actual conditions and the experience of many years I think, are proof enough that money obtained without work is a curse, not a blessing, for the Indian. For, big child that he is, he does not look ahead, but only what he needs today, and so he wastes his ready money for whatever strikes his fancy and tickles his passion, and thus he grows up improvident and careless, and fruitless as the poor Indian we know today. He will have a good time for a day or two and for the rest of the year he is in need and misery.

33

Logs Cut For Lumber	Logs and Timber Cut For Misc. Operations	Feet of Lumber Sold and Used.	Net Pro- fit On Lumber Sold	Net Pro- fit On Misc. Op- erations	Total Net Profit
July 1-10 to Sept. 30-11.					
31,071,260	639,548	27,073,154	45,389.60	15,147.42	60,537.02
Oct. 1-11 to Sept. 30-12.					
31,504,420	1,971,457	33,923,618	50,926.42	33,277.54	84,203.96
Oct. 1 12 to Sept. 30-13.					
33,712,710	2,839,980	42,070,064	42,931.64	57,540.93	100,472.57
96,288,390	5,450,985	103,066,836	139,247.66	105,965.89	245,213.55

Net Profit to Menominee Indian Mills over and above Stumpage. This is assuming that the Mills bought and paid for the Stumpage cut, at the rates shown on statements hereto attached.

245,213.55

July 1, 1910 to Sept. 30, 1911.

Credited to Stumpage & Charged against operation

227,304.57

Oct. 1, 1911 to Sept. 30, 1912,

Credited to Stumpage and Chgd. against operation

112,144.78

Oct. 1, 1912 to Sept. 30, 1913,

Credited to Stumpage & charged against operation

103,726.82

688,389.72

245,213.55

443,176.17

Profit to Menominee Indian Tribe

103,066,836 Ft. at 6.67 M Stumpage.

39,879,38

Gross Stumpage

# NOTES.

If the net profits on all operations of the Menominee Indian Mills credited to Stumpage account in addition to the regular stumpage rates as instructed by the U. S. Indian Office (letter Feb. 5, 1912-I.O. File 102661-1911) then the Menominee Tribe of Indians have received an average of 6.67 per thousand feet for their timber cut during the period from July 1, 1910 to Sept. 30, 1913.

The cash investment on capital stock of the Menominee Indian Mills on July 1, 1910 is \$1,062,106.79.

The foregoing amounts of net profit then show a net earning on this investment as follows:

July 1/ <sup>1910</sup> Sept. 31, 1911,	
15 months, Net	4.2% per annum after deducting stumpage
Oct. 1, 1911 to Sept. 30, 1912,	
12 months, Net	7.9% per annum after deducting stumpage
Oct. 1, 1912 to September 30, 1913,	
12 months, Net	9.4% per annum after deducting stumpage.
Average Net	7% per annum after deducting stumpage.

The net loss on operations previous to July 1, 1910, is 269,695.92, which should be taken off the books of the Menominee Indian Mills and the capital invested be reduced that amount of to \$792,410.87 the true amount of Assets the Menominees had to conduct their business with on July 1, 1910 would show the percentage of profit on the capital invested as follows:

July 1, 1910 to Sept. 30, 1911,	
15 months, Net	5.7% per annum after deducting stumpage
Oct. 1, 1911 to Sept. 30, 1912,	
12 months, Net	10.6% per annum after deducting stumpage
Oct. 1, 1912 to Sept. 30, 1913,	
12 months, Net	12.7% per annum after deducting stumpage
Average Net	9.5% per annum after deducting stumpage

## ----- Receipts & Disbursements.

<u>July 1, 1910 to Sept. 30, 1911</u>		
Receipts	520,169.49	
Disbursements	509,732.18	10,467.31
<u>Oct. 1, 1911 to Sept. 30, 1912</u>		
Receipts	634,408.47	
Disbursements	439,343.80	195,064.67
<u>Oct. 1, 1912 to Sept. 30, 1913</u>		
Receipts	722,644.71	
Disbursements	476,660.36	245,984.35
Total Receipts over Disbursements		451,516.33

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X

Net Profit	245,213.55
Stumpage	443,176.17
Total Profit	688,389.72
Excess of Receipts over Disbursements	451,516.33
Difference	236,873.39

This difference is accounted for by the fact that there are considerable more products on hand in the yard on Sept. 30, 1913, than there was on July 1, 1910, there being 28,325,980 feet of lumber at close of Sept. 30, 1913 against 22,178,966 feet on July 1, 1910, also considerable lathe, shingles and other products, and also by the fact that the Menominee Indian Mills have during this period from July 1, 1910 to Sept. 30, 1913, enlarged their plant considerably,

among some of which are the building of approximately 15 miles of Railroad, Railroad round houses, coal bins, purchase of two engines, 65 log cars, Caboose and Railroad supplies, etc. Construction of several permanent dwellings for employees, construction and repair of dwellings for Indians, construction of lumber yard, tramways and Pile Bottoms to take care of 38 to 40 million feet of lumber instead of 22 million on hand July 1, 1910, construction of Planing Mill including purchase of machinery, etc. to double its capacity since July 1, 1910, enlargement of mill to handle and manufacture by-products from slabs and refuse and sundry other

improvements to the plant, also purchase of Horses, Lumber Buggies and sundry other equipment and supplies necessary to facilitate the handling of a greater volume of business (31 to 36 million feet of lumber per year against 20 million feet per year previous to July 1, 1910, besides other by-products such as Crating, Pickets, Slabs, etc.) and which appear in our statement of resources and which of course do not affect the amount of profit made and shown, but reduce

cost items and increase products, Plant, Equipment and other items in the Statement of Resources, and are of course on hand and carried at their cost (less a reasonable depreciation) for future operations. These years operating have of course stood their depreciation as per annual statements, amounting to 181,754.66 for this period July 1, 1910 to Sept. 30, 1913, and as instructed by the Indian Office, which if not charged against operations would make net profit that much greater.

The reasons for the receipts being only \$10,467.31 over and above the disbursements (not the profit) during the period from July 1, 1910 to Sept. 30, 1911 are, that considerable more products were on hand in the yard on Sept. 30, 1911 than on July 1, 1910, there being 36,455,835 feet of lumber alone on Sept. 30, 1911, against 22,178,966 feet on July 1, 1910, besides more lathes and other products; also that during this period the greater part of the expense building the Railroad, purchasing engines, logging cars, railroad supplies etc., building of several permanent dwellings.

The reason for the net profit on lumber being only 45,389.60 for this 15 months period is that considerable lumber that was on hand in the yard on July 1, 1910 was cut from dead and down timber,



and was sold at a loss, and as our green cut was piled with the dead and down lumber in order to better dispose of it, and owing to the cramped conditions of the Yard, it was necessary to pile with the green cut with the dead and down so that it was a physical impossibility to account for each cut separately.

The over run of Logs into Lumber during the period from July 1, 1910 to Sept. 30, 1913 is 4,383,969, more than enough to make up the difference between amount of logs cut, and lumber sold during this period and as there was an inventory of logs, lumber and other products on hand at the end of each accounting period, July 1, 1910, Sept. 30, 1911, 1912 and 1913, with the exception of taking into consideration the sale of dead and down lumber during 1910 and 1911, it is safe to assume that the yearly cuts of Logs shown in the foregoing statements were cut into Lumber and other by-products and sold.

Stumpage prices are about what maintain throughout this part of the country where the same class and species of timber are cut and manufactured.

This information was obtained by actual inquiry from 15 of largest operations in this section of Wisconsin, Michigan and Minnesota, all exchanging stumpage prices. Such firms as Sawyer Goodman & Co., The Stephenson Co., Diamond Lumber Company, Brown Bros. Lumber Co., Cloquet Lumber Co., Virginia & Rainey Lake operations, and others. It also compares with information gathered by the U. S. Forest Service.

Logs cut Oct. 1, 1912 to Sept. 30, 1913.  
And Stumpage Charged Thereon.

3,065,280 Ft.	Pine	at	11.01	33,748.72
290,800	Norway	"	6.81	1,980.34
13,088,250	Hemlock	"	1.51	34,863.25
2,547,170	Birch	"	4.01	10,214.15
1,747,520	Maple	"	1.76	3,075.63
938,420	Basswood	"	6.26	5,874.51
9,950	Rock Elm	"	5.01	49.85
172,000	Soft Elm	"	4.21	724.12
128,960	Ash	"	5.01	646.09
248,970	Tamarack	"	2.41	600.01
48,610	Oak	"	11.51	559.50
6,010	Beech	"	2.41	14.77
7,090	Spruce	"	4.66	33.03

32,299,030 Ft.

92,383.97

Average 2.86 per M.  
Above sawed into Lumber.

2,839,980 Ft. Logs & Timber cut and used in  
Construction of Plant, Railroad, etc.  
also for shingles, Posts, Poles, Ties  
and miscellaneous operations

11,342.85

35,139,010

103,726.82

1,413,680 Ft. Dead & Down Logs cut also, on which no  
stumpage is charged

36,552,690 Ft.

Average 2.08 per M.

-----  
Average Stumpage from July 1, 1910 to Sept. 30, 1913,  
is 4.35 per M Log Scale.

Logs Cut July 1, 1910 to Sept. 30, 1911  
And Stumpage charged thereon.

16,915,300 Ft.	Pine	at	11.01	186,237.45
8,273,950	Hemlock	"	1.51	12,493.66
1,569,770	Norway	"	6.81	10,660.13
1,699,700	Maple	"	1.76	2,991.52
629,700	Birch	"	4.01	2,525.10
1,231,990	Basswood	"	6.26	7,712.26
322,000	Rock Elm	"	5.01	1,613.22
368,250	Soft Elm	"	4.21	1,550.33
12,780	Oak	"	11.51	147.10
13,290	Ash	"	5.01	66.58
370	Hickory	"	5.16	1.91
<u>34,130</u>	Tamarack	"	2.41	<u>82.25</u>

31,071,260 Ft.

226,081.51

Average 7.27 per M

Above sawed into Lumber.

639,548 Ft.

Logs and Timber cut and used in  
construction of Plant, etc. also  
for shingles, Posts, Poles and  
Miscellaneous operations

1,223.06

31,710,808 Ft.

227,304.57

Average 7.16 per M

X

Lots Cut Oct. 1, 1911 to Sept. 30, 1912

And Stumpage Charged Thereon.

5,314,960 Ft.	White Pine	at	11.01	58,517.70
700,370	Norway	"	6.81	4,769.51
21,779,450	Hemlock	"	1.51	32,886.97
516,610	Maple	"	1.76	909.13
1,938,270	Birch	"	4.01	7,772.46
326,010	Basswood	"	6.26	2,040.82
49,270	Tamarack	"	2.41	118.74
32,740	Rock Elm	"	5.01	164.03
16,780	Soft Elm	"	4.21	70.64
3,720	Oak	"	11.51	42.82
16,700	Ash	"	5.01	83.66
48,380	Beech	"	2.41	116.59
<u>30,743,260</u>				<u>107,493.07</u>

Average 3.50 per M

Above sawed into Lumber

1,971,457 Ft.	Logs & Timber cut and used in construction of Plant, Railroad, etc. also for Singles, Posts, Poles, Ties and miscellaneous operations		4,651.71
			<u>112,144.78</u>

32,714,717

761,160 Ft. Dead & Down Logs cut also on which no Stumpage was charged

33,475,877

Average 3.35 per M

33-A

STUMPAGE RATES.

Species	Percent. of Stand	Feet Of Stand	Rate of Stumpage As Recommended By		Amount
			Ooonto Co.	Indian Office.	
White Pine	.10	175,000,000	11.00	11.00	1,925,000.00
Norway Pine	.02	35,000,000	5.00	6.80	238,000.00
Hemlock	.40	700,000,000	3.00	1.50	1,050,000.00
Maple	.15	262,500,000	2.00	1.75	459,375.00
Birch	.05	87,500,000	5.00	4.00	340,000.00
Basswood	.15	262,500,000	8.00	6.25	1,640,000.00
Rock Elm	.06	105,000,000	8.00	5.00	525,000.00
Soft Elm	.03	52,500,000	7.00	4.20	220,500.00
Oak	.01	17,500,000	15.00	11.50	201,250.00
Cedar	.01	17,500,000	2.00	3.00	52,500.00
Ash	.0075	13,125,000	5.00	5.00	65,625.00
Balsam	.0025	4,375,000	2.20	2.20	6,625.00
Spruce	.00375	6,562,500	4.65	4.65	30,515.62 <sup>7</sup>
Tamarack	.0050	8,750,000	2.40	2.40	20,900.00
Beech	.000625	1,093,750	1.50	2.40	2,625.00
Butternut)	.000625	1,093,750	5.15	5.15	5,632.28
Hickory )			5.15	5.15	
1.					
1,750,000,000				3.83 Av.	6,787,172.90

## Note:

The above stumpage prices have been recommended by Indian Office (Letter of Feb. 5, 1912- I.O. File 102661-1911). The percentage of Stand has been fixed arbitrarily by Neopit Office, based on opinions of the different logging superintendents. Timber has never been cruised and estimated. Above rates of stumpage are to be used by the Menominee Indian Mills in wiping out the stumpage account, charging cost of logs with same as they are cut. To the above rates will be added one cent (1¢) per thousand feet to wipe out cost of 50% of burning brush and entire cost of fighting forest fires, which have been charged to the stumpage account; this expense being incurred for the protection of the standing timber.



33-B

Total Cut of Each Class of Timber During  
Three Years, with Stumpage Recommendations  
of The Oconto Company and that Used by  
The Neopit Office.

Feet	Species	Rate of Stumpage As Recommended By		Oconto Co. Amount
		Oconto Co.	Indian Office	
25,295,540	White Pine	11.00	11.00	278,250.94
43,141,650	Hemlock	3.00	1.50	129,424.89
2,560,940	Norway Pine	5.00	6.80	12,804.70
5,115,140	Birch	5.00	4.00	25,575.70
3,963,860	Maple	2.00	1.75	7,927.72
2,496,420	Basswood	8.00	6.25	19,971.36
332,370	Tamarack	2.40	2.40	797.69
364,691	Rock Elm	8.00	5.00	2,917.53
557,030	Soft Elm	7.00	4.20	3,899.21
78,600	Ash	5.00	5.00	393.00
65,100	Oak	15.00	11.50	976.50
54,390	Beech	1.50	2.40	81.58
7,090	Spruce	4.65	4.65	32.90
370	Hickory	5.15	5.15	1.91

Amount, according to Oconto Co. 483,055.55

Amount, according to In. Off. 443,176.17  
39,879.38

Profits During Three Years, according to Indian Off. 245,213.55

Excess Stumpage, according to Oconto Co. standard 39,879.38

Net Profit During Three Years, after deducting  
stumpage according to Oconto Co.'s standard..... 205,334.17

## 34- Skeewicks

Statements of different Indians at Keshena question by Mr. Ayer with regard to their feelings about the general conditions on the Reservation and efforts being made to get money to paid Mr. Tyrrell and his friends.

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### Statement of Louis Skeewicks.

I do not know myself; I have not attended any of the meetings, but this is what I hear the tribe say: It is just like throwing our money in the river - building new barns and houses at Keshena and Neopit, cutting timber, building new roads, and so on. Lots of people are dissatisfied. The mill is not making anything. No money coming in, all going out. I do not know what the lawyer promised to do, but he was to help the tribe so there would be no more trouble.

Louis Skeewicks      His  
                                    (Tump Print)  
                                    Mark.

Witness to mark:  
Francis M. Badger,  
Financial Clerk, Keshena Indian  
School, Keshena, Wisc.

John F. Waukechon.  
Assistant Clerk.

H. P. Marble,  
Assistant Superintendent.

Keshena, Wis. January 10, 1914.

*Pywaukees*  
*35- Waukechon*

Statement of Sam Pywaukees, Questioned by H. P. Marble, Assistant Superintendent, Through John F. Waukechon, Interpreter.

Mr. Marble Explains: Board of Indian Commissioners have sent out for information in regard to Indians desiring employment of an Attorney.

- Q. He knows this man, Tyrrell, does he? Ever met him?  
A. The man from Gillette?
- Q. Yes, I guess that is the man.  
A. Yes, he says, the man from Gillette was here last Spring and went through the Reservation.
- Q. What did he claim he would be able to do for the Indians?  
A. He says that he went over the logging, here; that is the Menominee Reservation.
- Q. And what about it?  
A. He said the Menominees had asked him to over the logging on the Menominee Reservation.
- Q. Did he say WHAT Menominees asked him to?  
A. He says he knows of three. He says he don't think anybody can say - it was the whole tribe.
- Q. After looking over the logging, what did he offer to do for the tribe?  
A. Well, he says, he took note of everything. He seen what was wasted in the line of timber and made his report to Washington.
- Q. What payment was made to him for this service?  
A. He did get something. No man will work for nothing. He expects to get something for his meals anyway.
- Q. How much?  
A. They had paid him \$500.00 in cash.
- Q. Is that for work he has done already, or is going to do for them?  
A. He says they gave this \$500.00 when he left for Washington. That money was used in Washington, while he was there.
- Q. What were they to pay him in addition for his services?  
A. He says, I don't know and I don't think the lawyer knows what he is going to get. Of course, a man when through working knows what he gets.
- Q. Did he enter into contract with them for what he was to get?  
A. He did not enter into contract with them. The lawyer said if he accomplished anything at Washington they could pay him.
- Q. Does he know who paid the \$500.00?  
A. The money was borrowed and is to be paid from the tribal funds.
- Q. Who borrowed it, does he know?  
A. Well, he says, no particular one borrowed the money but, says the men then there at the meeting, and they got \$250.00 from Louis LaFrombois.

Q. Who else did they get some from?

A. He says that the other \$250.00 was furnished by a white man living at Neopit. He gave it to the lawyer when he left, and that was paid back by the tribe.

Q. Of what white man?

A. He says, Joe Gristo's father-in-law.

Q. Does he know what his name is? I would know it if I heard it.

A. DeRosier. He says, that man was discharged at Neopit just on that account.

Q. Was there any other man gave to him, that he knows?

A. DeRosier furnished \$200.00 and the other \$50.00 was furnished by himself (this man here, Sam Pywaukee).

Q. What papers did he get to show that he loaned the money?

A. (Produces paper, hands it to Mr. Marble, who reads it)  
"Keshena, Wis., Nov. 10th, 1913.

This is to certify that we have received \$50.00 from Sam Pywaukee, the same to be used to hire D. F. Tyrrell, Attorney at Law, in behalf of the Menominee Tribe, to conduct the investigation of affairs at Neopit in the near future."

(Signed( Louis LaFrombois  
" Joe Longley  
" Tom Prickett. "

Q. Does he know just what is on that paper?

A. No, he says he only loaned the money and he is to get it back.

Q. Did he look at that paper? That paper does not say they will pay back anything; just simply acknowledges receipt of the money. I am just telling him that for his own information. No difference, of course, if he wants it to go that way.

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Q. Was it the general understanding that money is wasted among Indians - was that the general understanding at Neopit?

A. Yes.

Q. Did Mr. Tyrrell say that was the case after he had investigated?

A. Yes sir, he did.

Q. Did he say he would be able to secure a change, so they would not lose money?

A. Yes sir.

Q. Did he say that he would be able to secure annuity payments for them?

A. Yes.

Q. How much did he say he would secure for them this year?

A. He says he might be able to get \$20.00 during the month of January and \$40.00 in the Spring. This part was told me by Tom Prickett.

Q. And what in the future, any more after that?

A. That he does not know. Only for one year.

Q. Did he say anything about the Stockbridge claim, over here - the two-mile strip?

A. That he does not know; ~~Subpoena~~ did not hear him say anything about that.

Q. Did he say anything about the claims for the blow-down districts?

A. He did not know.

Q. Did he hear him say anything about sections 16 and the Swamp lands in Wisconsin?

A. Don't know anything about that.

Q. From general talk, what does he understand about money being wasted in Neopit? What does he think about it?

A. Says he thinks that money is wasted up there.

Q. How does he think it is wasted?

A. Well, he says, the money that was used on improvements for roads, he says, he thinks they don't ask the tribe if that money can be expended for that purpose.

Q. He thinks that all that is wasted; just money on roads?

A. Not that alone, but timber, and other work they do up there at the mill. They are not making anything.

Q. What makes him think the mill is not making money?

A. Well, he says, because the people don't get any annuity and the money must be used there and spent there. Now he says where does that money come from for building those nice buildings at Neopit?

C. (Answering questions put in above answer) Out of interest on the Menominee Log Fund. If they had been getting annuities, would they think the mill was making money?

A. Yes, then he would think that they were making money.

I certify that the above statement was given by me in answers to the queries asked and that the above contains no material misrepresentation of what was said by me.

Witness to mark:  
Frances M. Badger.

Sam Pywaukee  
His  
(Thump print)  
Mark.

Made in presence of  
H. P. Marble,  
John F. Waukechon.



36-Mellott

Statement of HENRY MELLOTT.

My understanding is that Tyrrell has promised to get for the old soldiers one dollar a day, and was to help the tribe all through, for their benefit. I did not see the letter but heard LaFrombois report that the tribe was to receive \$40 per capita this winter if we hired Tyrrell. About \$200 was raised around Keshena and given to Tyrrell, but it is understood that he is working for the tribe and this money is to be paid back to the ones who loaned it.

Tyrrell had pictures showing the waste of timber on the reservation, and reported that he had investigated and found the mill at Neopit to be losing money. He promised he would have the laws changed, so it would not lose any more.

The reason I think the mill is losing money is because we do not get any more annuities, like we used to, when we ask for it. If the annuities were paid I would think the mill was making money.

Tyrrell also said he would work to get back the swamp and school lands which the state is taking from us.

Tribal members claim there is too much money being spent for roads, houses in Neopit, dairy barn at the Keshena school, and for other buildings; the tribal members think this should not be spent this way. It would be better to pay it to the Indian in annuities.

Witness to mark:  
Frances M. Badger  
Zora F. Marble

Henry Mellott

His  
(Thumb print)  
Mark.

Statement made in the presence of

H. P. Marble,  
Assistant Superintendent.

37- Keshena

Statement of Louis Keshena, at Keshena, Wis.

My understanding is that Tyrrell and the other attorney are to try to get the "blown down" claims paid, but if they do it seems to me they will have to be paid by the tribe. Many members think these claims are to be paid by the government, but I do not want anything to do with lawyers in this. They are the cause of all the trouble in the past about this blown down business.

I hear that some members of the tribe have been loaning money to pay to Tyrrell, and they say the tribe is to pay this back, but I do not see how the tribe can be held for this money unless some council agrees to it. I hear some parties have taken money belonging to the church societies, the Relief Corps, and so on, and have loaned it for the lawyers, and they tell me they have no security for it, so they must have to make it good themselves. I hear much talk about the Neopit mill losing money and think the tribal members believe this because we do not receive annuities any more. I did not talk to Tyrrell myself, but I hear these things from other members who are working for him to get a contract. I also understand that Tyrrell is to secure annuity payment for the Menominees.

(Signed) Louis Keshena.

Statement made in presence of -

(Signed) John F. Waukechon, Asst. Clerk.

(Signed) H. P. Marble, Asst. Supt.

Keshena, Wis. Jan. 10, 1914.

38-O'Katchicum

Statement of Joe O'Katchicum.

Q. What do you understand Tyrrell promises to do for the Menominee Indians?

A. I understand the Indians hire the lawyer to get their annuities for them.

Q. Do you understand the Neopit operations are losing money?

A. I hear the Indians talking about the mills not making any money, and that our money in the Treasury is going out - none coming in.

Q. Do you understand that Tyrrell investigated conditions around the mill?

A. I hear other people say that the lawyer went through the cutting around Neopit.

Q. Do you yourself think that the Neopit Operations are losing money now?

A. I know they are. The Neopit mill has been losing our money ever since it started. I know this because we do not get our annuities now like we used to.

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I hereby certify that the above questions were asked by myself and answered in the manner indicated by Joe O'Katchicum, an enrolled Menominee Indian, the questions and answers being interpreted by John F. Wakeshon, assistant clerk, Keshena, who also certifies the same to be correct.

(Signed) H. P. Marble,  
Assistant Superintendent.

John F. Waukechon,  
Assistant Clerk.

Keshena, Wisconsin,  
January 13, 1914.

39- Tomaw

Statement of Peter Tomaw.

I have never talked to Mr. Tyrrell personally, but the members tell me that he has investigated and finds that lots of money has been wasted on this reservation, such as buying automobiles, and erecting fire towers, and he has promised to recover all of this money for the tribe. I know that the agent never asked the tribe if they wanted these automobiles bought or these towers built. I know that the Neopit mill is losing money because we have not received any money this year in annuities. If we were getting our annuities I would know that the mill was making money, for when we used to log ourselves we made money and put it in the bank. I am sure there is timber being wasted as Mr. Tyrrell says for I have seen logs cut last winter which have not yet been taken to the mill. Those who talked for Mr. Tyrrell promised that he would get us our annuities and get back all of our wasted money. I am president of the Temperance Society of West Branch and loaned \$20.00 belonging to the society to Mitchell Komaneckin, to be used to pay Tyrrell, but the tribe is to pay it back. I do not have any papers to show that the money is to be paid back, but am sure they will do it.

Witness to mark.  
Frances M. Badger,  
Financial Clerk, Keshena Indian  
School, Keshena, Wis.

Peter Tomaw

his  
(Thumb print)  
mark.

Statement made in presence of

John F. Aukenohn  
Assistant Clerk.

H. P. Marble  
Assistant Superintendent.

Keshena, Wis. January 12, 1914.